



TEHACHAPI POLICE DEPARTMENT

220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222
FELONY REPORT

Page 1

Case
17-05-0579

OFFENSES	Offenses O/W - Fel 29800(a)(1) PC O/W - Misd 148.9(A) PC 148(A)(1) PC	Description Other Agency Warrant - Felony Felon/Addict/Possess/Etc Firearm Other Agency Warrant - Misdemeanor False Id To Specific Pos Obstr/Resist/Pub/PO/Emer Tech	Fel/Misd Felony Felony Misd Misd Misd	Date Occurred 05/24/2017	Time Occurred 2215	Incident # 1705240046		
	Related Cases					Date Reported 05/24/2017	Time Reported 2217	
						Date Printed 06/27/2017	Time Printed 10:57:35	Printed By 903
						Latitude 35.143220	Longitude -118.450580	
	Location Holiday Inn Express, 901 Capital Hills Pkwy, Tehachapi, CA 93561	Beat 1	Area W	Disposition Active Case	Dispo Date 05/24/2017			
	Location Type Parking Lot	Location of Entry	Method of Entry	Point of Entry	Alarm System	Means of Attack (Robbery)		
	Reporting Party [REDACTED]	Drivers License	Cell Phone	Email				
	Residence Address [REDACTED]	Notified of Victim Rights	Residence Phone [REDACTED]	DOB	Age	Sex	Race	
	Business Name and Address	[REDACTED]	Business Phone [REDACTED]	Height	Wt	Hair	Eyes	
	RP	Assistance Rendered/Victim Disposition	Transporting Agency	Means of Attack (Assault)				
MENTIONED	Description of Injuries	Other Information						
	Mentioned - Other Chevron Gas Station	Drivers License	Cell Phone	Email				
	Residence Address [REDACTED]	[REDACTED]	Residence Phone [REDACTED]	DOB 02/11/1964	Age 53	Sex M	Race W	
	Business Name and Address	[REDACTED]	Business Phone [REDACTED]	Height 5'9"	Wt 220	Hair BLN	Eyes BLU	
SUSPECT ARRESTED	Suspect Arrested Kollin, Richard William	Action Taken BOOKING	Charges 148(A)(1) PC, 148.9(A) PC, O/W - Fel, O/W - Misd, 29800(a)(1) PC					
	Residence Address [REDACTED]	Residence Phone [REDACTED]	DOB 02/11/1964	Age 53	Sex M	Race W		
	Business Name and Address	Business Phone [REDACTED]	Height 5'9"	Wt 220	Hair BLN	Eyes BLU		
	Identifying Features	Cell Phone [REDACTED]	Drivers License [REDACTED]	Arrest Number [REDACTED]				
VEHICLES	Vital Damaged							
	Status Stored	Vehicle Make and Model 1997 White Merc Grand Marqui	License/State [REDACTED]	VIN [REDACTED]				
OFFICERS	Prepared By 938 - Dunham, Jason P	Date 05/25/2017	Assisted By	Approved By 937 - Thompson, Amelia A	Date 05/31/2017			
	Routed To	Date	Routed To	Date	Notes			

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TEHACHAPI POLICE DEPARTMENT

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FELONY REPORT

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Case
17-05-0579

MENTIONED MENTIONED MENTIONED MENTIONED MENTIONED MENTIONED MENTIONED MENTIONED	Mentioned - Other	Drivers License	Cell Phone	Email			
	Residence Address		Residence Phone	DOB	Age	Sex	Race
	Business Name and Address		Business Phone	Height	Wt	Hair	Eyes
	Mentioned - Other	Drivers License	Cell Phone	Email			
MENTIONED MENTIONED MENTIONED MENTIONED	Residence Address		Residence Phone	DOB	Age	Sex	Race
	Business Name and Address		Business Phone	Height	Wt	Hair	Eyes
	Mentioned - Other Holiday Inn Express	Drivers License	Cell Phone	Email			
	Residence Address		Residence Phone	DOB	Age	Sex	Race
MENTIONED MENTIONED MENTIONED MENTIONED	Business Name and Address		Business Phone	Height	Wt	Hair	Eyes
	Mentioned - Other Kern Medical Center	Drivers License	Cell Phone	Email			
	Residence Address		Residence Phone	DOB	Age	Sex	Race
	Business Name and Address		Business Phone	Height	Wt	Hair	Eyes
MENTIONED MENTIONED MENTIONED MENTIONED	Mentioned - Other	Drivers License	Cell Phone	Email			
	Residence Address		Residence Phone	DOB	Age	Sex	Race
	Business Name and Address		Business Phone	Height	Wt	Hair	Eyes
	Mentioned - Other	Drivers License	Cell Phone	Email			
MENTIONED MENTIONED MENTIONED MENTIONED	Residence Address		Residence Phone	DOB	Age	Sex	Race
	Business Name and Address		Business Phone	Height	Wt	Hair	Eyes
	Mentioned - Other	Drivers License A6446367 CA	Cell Phone	Email			
	Residence Address		Residence Phone	DOB	Age	Sex	Race
MENTIONED MENTIONED MENTIONED MENTIONED	Business Name and Address		Business Phone	Height	Wt	Hair	Eyes
	Mentioned - Other	Drivers License F3029577 CA	Cell Phone	Email			
	Residence Address		Residence Phone	DOB	Age	Sex	Race
	Business Name and Address		Business Phone	Height	Wt	Hair	Eyes
MENTIONED MENTIONED MENTIONED MENTIONED	Mentioned - Other	Drivers License	Cell Phone	Email			
	Residence Address		Residence Phone	DOB	Age	Sex	Race
	Business Name and Address		Business Phone	Height	Wt	Hair	Eyes

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TEHACHAPI POLICE DEPARTMENT

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FELONY REPORT - PROPERTY

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17-05-0579

ID No.	Status/Disposition	Property Description	Value	Val Recovered	Val Damaged
1	Evidence	ITEM #1 - 1 40 Cal Item(s) Black Glock 22 Pistol (ZUZ515)			
2	Evidence	ITEM #1A - 1 Item(s) Black Glock 22 Magazine			
3	Evidence	ITEM #2 - 1 40 Cal Item(s) Black Glock 22 Pistol (ZUZ538)			
4	Evidence	ITEM #2A - 1 Item(s) Black Glock 22 Magazine			
5	Evidence	ITEM #3 - 1 Item(s) Black Glock 22 Magazine			
6	Evidence	ITEM #4 - 1 Item(s) Black Glock 22 Magazine			
7	Evidence	ITEM #5 - 1 Item(s) Black Glock 22 Magazine			
8	Evidence	ITEM #6 - 1 Item(s) Black Glock 22 Magazine			
9	Evidence	ITEM #7 - 1 Item(s) Notepad			
10	Evidence	ITEM #8 - 1 Item(s) Yellow Taser X26 Taser (X00-273289)			
11	Evidence	ITEM #9 - 1 Item(s) Smith & Wesson .40 Caliber Shell Casing			
12	Evidence	ITEM #10 - 1 Item(s) Smith & Wesson .40 Caliber Shell Casing			
13	Evidence	ITEM #11 - 1 Item(s) Smith & Wesson .40 Caliber Shell Casing			
14	Evidence	ITEM #12 - 1 Item(s) Smith & Wesson .40 Caliber Shell Casing			
15	Evidence	ITEM #13 - 1 Item(s) Smith & Wesson .40 Caliber Shell Casing			
16	Evidence	ITEM #14 - 1 Item(s) Smith & Wesson .40 Caliber Shell Casing			
17	Evidence	ITEM #15 - 1 Item(s) Grey Mens Boots			
18	None/Documentation Only	ITEM #16 - 1 Blood Stain			
19	Safekeeping	ITEM #17 - 1 Misc Items - LOTTERY TICKET, SMALL VIAL			
20	Safekeeping	ITEM #18 - 1 Item(s) United States Currency			
21	Evidence	ITEM #19 - 1 Item(s) Black Mens T Shirt			
22	Evidence	ITEM #20 - 1 Item(s) Silver Mens Finger Ring			
23	Evidence	ITEM #21 - 1 Item(s) Gray Mens Shorts			
24	Evidence	ITEM #22 - 1 Item(s) Dvd			
25	Evidence	ITEM #23 - 1 Item(s) Cd			
26	Evidence	ITEM #24 - 1 Item(s) Photographs - OF MR. KOLLIN AND HIS CHILDREN			
27	Evidence	ITEM #25 - 1 Item(s) Letter - WRITTEN BY MR. KOLLIN			
28	Evidence	ITEM #26 - 1 Item(s) Green Green Paper - WITH HAND WRITTEN NOTES			
29	Evidence	ITEM #27 - 1 Item(s) Mail - ADDRESSED TO MR. KOLLIN			

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TEHACHAPI POLICE DEPARTMENT

220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222
FELONY REPORT - PROPERTY

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ID No.	Status/Disposition	Property Description	Value	Val Recovered	Val Damaged
30	Evidence	ITEM #28 - 1 Item(s) Receipt - FOR BREANNA KOLLIN			
31	Evidence	ITEM #29 - 1 Item(s) Mail - ADDRESSED TO MR. KOLLIN			
32	Evidence	ITEM #30 - 1 Item(s) Notepad - WITH RED WRITING			
33	Safekeeping	ITEM #31 - 1 Item(s) Alcatel Android Cell Phone (B1780002C172BQX3)			
34	Safekeeping	ITEM #32 - 1 Item(s) Microsoft Windows Cellphone (059X6M5)			
35	Evidence	ITEM #33 - 1 Item(s) Cd - AUDIO RECORDING OF INTERVIEW WITH MR. KOLLIN			
36	Evidence	ITEM #34 - 1 Item(s) Cd - INTERVIEW WITH PATRICIA MCMAINS			
37	Evidence	ITEM #35 - 1 Item(s) Cd - INTERVIEW WITH NORA QUINTERO			
38	Evidence	ITEM #36 - 1 Item(s) California DMV Registration			
39	Evidence	ITEM #37 - 1 Item(s) Green Lasd Acro Squadron Suit			
40	Evidence	ITEM #38 - 1 Item(s) Black Weaver 3-9 X 40 Rifle Scope			
41	Evidence	ITEM #39 - 1 Item(s) Black Weaver 3-9X32 Rifle Scope (F310539)			
42	Evidence	ITEM #40 - 1 Item(s) Black Colt 5.56 30 Round Clip			
43	Evidence	ITEM #41 - 1 Item(s) Grey Apple Iphone 6 Cell Phone - SPACE GRAY (DNPPD06NG5MG)			
44	Evidence	ITEM #42 - 1 Item(s) Gray Apple Iphone 6 Cellphone - SPACE GRAY			
45	Evidence	ITEM #43 - 1 Item(s) Balck Benjamin 352 Rifle - 22 CARBINE RIFLE MISSING STOCK (J2075)			

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TEHACHAPI POLICE DEPARTMENT

220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222

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NARRATIVE - FIRST REPORT

17-05-0579

SYNOPSIS:

Officers were dispatched to a suspicious person at the Holiday Inn Express. As officers made contact with the subject, later identified as Richard Kollin, he provided a fictitious name and fled from the officers on foot. After a brief foot pursuit south of the hotel, an officer involved shooting occurred.

OFFICERS INVOLVED:

Officer Medina ID# 983 was the primary officer assigned to this call

Officer Barajas ID# 981 was the assisting officer assigned to this call

Sergeant Thompson ID# 937 was the supervisor on duty

DETAILS:

On Wednesday May 24, 2017 at approximately 2217 hours, Officer Medina and Officer McCombs were dispatched to the Holiday Inn Express located at 901 Capitol Hills Parkway for a suspicious person. Dispatch advised the subject, later identified as Richard Kollin was occupying an older four door sedan and was seen moving parking spots over several hours and looking in his trunk.

Officer Medina and Officer McCombs arrived on scene and made contact with Mr. Kollin. Mr. Kollin initially provided officer with a fictitious name of "Rick Knight" with a date of birth of February 11, 1964. As officers continued their contact with Mr. Kollin, he ran from officers south from the hotel parking lot. Officers pursued Mr. Kollin on foot as he led officers southbound into the field south of the hotel. Officers chased Mr. Kollin for approximately 200 feet south of the south curb-line of Voyager Drive at which time an officer involved shooting took place.

RECOMMENDATION:

This report shall serve as a first report only; this case is currently active. Refer to additional supplemental reports for additional information.

End of report

DUNHAM/938

Prepared By:

938

DUNHAM, JASON P

 BODY CAMERA RECORDED

Date:

05/25/2017

Approved By:

937

THOMPSON, AMELIA A

Date:

05/31/2017



TEHACHAPI POLICE DEPARTMENT

20 WEST C STREET, TEHACHAPI, CA 93561 661-822-2274

SUPPLEMENT

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17-05-0579

SYNOPSIS:

I retrieved and transported evidence to Tehachapi Police Department.

DETAILS:

On 05/25/17 at approximately 0630 hours, I responded to Hall Ambulance (326 West F Street) and retrieved Richard Kollin's shorts. The shorts are described as grey jean, "GUESS" brand, and were cut open in several areas by the fire department, allowing them access to treat his injuries.

I contacted Kern County District Attorney Investigator Greg Jehle at the location. Greg told me Richard's shorts were found in a white bag with medical waste in the back portion of the ambulance that transported Richard to the Tehachapi Airport helipad. Greg removed the shorts from the white bag and placed them in a red biohazard bag. Emergency Medical Technician Richard Guzman (11/21/84) confirmed he treated and transported Richard and placed the shorts in the bag to be discarded.

I transported the shorts to Tehachapi Police Department, where I laid them out in the secure evidence room to dry prior to being booked.

RECOMMENDATION:

Route with original.

* CONTROLLED DOCUMENT * FOR INVESTIGATIVE USE ONLY

Prepared By: 989 SMITH, AMY <input checked="" type="checkbox"/> BODY CAMERA RECORDED	Date: 05/25/2017	Approved By: 937 THOMPSON, AMELIA A	Date: 05/28/2017
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TEHACHAPI POLICE DEPARTMENT

220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222

SUPPLEMENT 2

Page 7

17-03-0579

SYNOPSIS:

As the on-duty supervisor, I responded to the area of Capital Hills Parkway and Voyager Drive for a suspicious persons call which led to a foot pursuit and an officer involved shooting. This supplemental narrative will discuss my involvement in this investigation.

PHYSICAL EVIDENCE:

Item #23 - CD-R containing public safety statement from Officers Medina and McCombs

CHAIN OF CUSTODY:

I recorded the public safety statement with my department-issued digital recorder and transferred it to a CD-R which I kept in my care and custody until I booked it into the TPD property room as evidence.

DETAILS:

On 05-24-2017 at about 2236 hours, I responded towards the Holiday Inn Express, 901 Capital Hills Parkway, to assist Officers Medina and McCombs with a suspicious persons call. Prior to my arrival, I heard TPCC dispatch the call regarding a male adult near an older white sedan in the north parking lot of the business near the trash cans. The subject was reported to have been there for several hours, having moved his vehicle several times, and was last seen looking in his trunk. As I was responding, Officers Medina and McCombs had located the subject, later identified as Richard Kollin, and were in the process of verifying his identity and conducting a records check of him.

While en route from West H Street and North Curry Street, Officer McCombs advised via radio he was in foot pursuit of the subject southbound from the hotel. I initiated my overhead emergency lights and continued my response. As I continued northbound on North Mill Street, Officer McCombs advised, "He's got a gun" followed shortly thereafter by, "He's reaching towards his waistband." Officer McCombs advised, "998, suspect down." I immediately requested TPCC start medical aid. At about this time, I had reached the crest of the North Mill Street overpass. Officer McCombs advised several times, "He won't show his hands."

I arrived on scene and saw lights in the field south of the hotel. I pulled my patrol vehicle adjacent to the south shoulder of Voyager Drive just west of Capital Hills Parkway, exited my patrol vehicle, and ran towards Officer Medina and McCombs' location. I saw Kollin laying on his back, his head towards the north and his feet to the south. Kollin was still conscious and breathing. Officers Medina and McCombs were both standing to the north of Kollin, with Officer Medina to the east and Officer McCombs to the west. They both had their duty weapons unholstered and holding on Kollin. I positioned myself to the west of Officer McCombs with my firearm unholstered. Kollin was, in fact, uncooperative; he refused numerous orders to put his hands out or show us his hands.

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Prepared By:
937 THOMPSON, AMELIA A
 BODY CAMERA RECORDED

Date:
05/25/2017

Approved By:
903 KROEGER, KENT

Date:
05/25/2017



TEHACHAPI POLICE DEPARTMENT

220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222
SUPPLEMENT 2

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17-05-0579

Eventually, I flanked to the right, saw that Kollin did not have a firearm in his left hand and that there was no firearm in the immediate area. I advised Officers Medina and McCombs of my observations, told them to cover me, and grabbed Kollin's left hand in a control hold in order to pat him down for weapons, which I did without incident. I removed a small amount of US currency and miscellaneous papers from Kollin's left front shorts pocket and a small amount of change from his right front shorts pocket. I also removed his shoes to determine if he had any weapons concealed in his tan-colored tactical boots. I did not locate any weapon on Kollin or in the immediate area.

I assessed Kollin's injuries; it appeared he had a bullet wound on his back near his right shoulder and an additional bullet wound on the right side of his lower back. Kollin did not have a significant amount of bleeding, he was breathing normally, and acknowledging my questions; however, he was continuing to be uncooperative, refusing to answer my questions.

I asked Kollin what his medical history was and he told me he had high blood pressure and "mental problems." I asked Kollin if he had PTSD and he told me, "Yeah."

Personnel with Kern County Fire Department and Hall Ambulance arrived on scene. They loaded Kollin onto a stretcher and transported him to Tehachapi Airport. Kollin was later transported to KMC via Mercy Air.

I obtained a brief overview of the situation from Officers Medina and McCombs, both of whom advised me they were uninjured. The officers advised me they were facing southbound when they shot at Kollin. Officer Medina told me he fired two rounds and Officer McCombs told me he fired three rounds. I observed the backdrop beyond our position and saw no apparent unintentional victims of the rounds fired by the officers. Additionally, I asked the officers to tell me their path of foot pursuit so as to establish a crime scene and an area to be searched for the outstanding firearm. I recorded this public safety statement on my department-issued digital recorder and later transferred the recording to a CD-R (item #23). I admonished them not to discuss the incident except with authorized personnel or their representatives; they were later transported to Tehachapi Police Department.

Kern County Sheriff's Department Sergeant J. Newell and Deputy Pierce responded to our location and assisted with placing crime scene tape and starting a crime scene log. The log was later transferred to TPD Officer Adams, Officer Smith, Sergeant Ketcham and, finally, Sergeant Dunham who attached it to this report for review.

I advised Chief Kroeger of my investigation via telephone at about 2300 hours and he authorized me to request the Kern County District Attorney's Office shooting review team. I made contact with Lieutenant 2345 and advised him of my investigation. Upon the arrival of the review team, I briefed them on the incident and released the scene to them. I later provided a statement to DA Investigator R. Blaauw.

DISPOSITION:

Prepared By:
937 THOMPSON, AMELIA A
 BODY CAMERA RECORDED

Date:
05/25/2017

Approved By:
903 KROEGER, KENT

Date:
05/25/2017

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TEHACHAPI POLICE DEPARTMENT

220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222

SUPPLEMENT 2

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17-05-0579

Route with original.

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Prepared By:
937 THOMPSON, AMELIA A
 BODY CAMERA RECORDED

Date:
05/25/2017

Approved By:
903 KROEGER, KENT

Date:
05/25/2017



TEHACHAPI POLICE DEPARTMENT

220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222

SUPPLEMENT 3

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17-05-0579

SYNOPSIS:

This supplemental report documents my activities for this investigation.

DETAILS:

On 05-25-2017 at approximately 0030 hours, I responded to the Tehachapi Police Department to assist in this investigation.

I drove to Kern Medical Center located in Bakersfield. Upon arrival, I made contact with Kern County DA Investigator Greg Jehle and Bakersfield Police Department Officer Puryear #1288. Investigator Jehle and Officer Puryear were standing by while the suspect was in surgery. I advised Officer Puryear he was clear to leave as I would be standing by with the suspect.

After the suspect was released from surgery he was moved to the intensive care unit. Jehle and I went to the ICU where I stayed with the suspect. I made contact with the [REDACTED] [REDACTED] who provided me with the suspect's shirt and metal ring. I took possession of both items and kept them in my care and custody until I later transported both items back to Tehachapi and I turned them over to Sergeant Dunham.

Prior to my leaving KMC, I signed an arrest hold for the suspect which the medical staff kept on file.

RECOMMENDATION:

Route with original.

* CONTROLLED DOCUMENT FOR INCLUSIVE USE BY:

Prepared By:
942 HORNING, WAYNE A
 BODY CAMERA RECORDED

Date:
05/25/2017

Approved By:
937 THOMPSON, AMELIA A

Date:
05/28/2017



TEHACHAPI POLICE DEPARTMENT

220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222
SUPPLEMENT 4 - EVIDENCE SEIZURE

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17-05-0579

SYNOPSIS:

The purpose of this supplemental report is to document the collection of evidence related to the officer involved shooting and my observations of the contact between Officer Medina, Officer McCombs and Mr. Kollin.

EVIDENCE:

Item #1: Glock model 22 serial # ZUZ515 collected from Officer McCombs by Criminalist Zimmerman

Item #1A: One (1) magazine with rounds including round removed from chamber of Officer McCombs's firearm by Criminalist Ruvalcaba

Item #2: Glock model 22 serial # ZUZ538 collected from Officer Medina by Criminalist Ruvalcaba

Item #2A: One (1) magazine with rounds including round removed from chamber of Officer Medina's firearm by Criminalist Zimmerman

Item #3: One (1) spare magazine with rounds collected from Officer McCombs by Criminalist Zimmerman

Item #4: One (1) spare magazine with rounds collected from Officer McCombs by Criminalist Zimmerman

Item #5: One (1) spare magazine with rounds collected from Officer Medina by Criminalist Zimmerman

Item #6: One (1) spare magazine with rounds collected from Officer Medina by Criminalist Zimmerman

Item #7: Small notepad located in field south of Voyager Drive by Criminalist Zimmerman

Item #8: Taser model X26 serial # X00-273289 [Issued to Officer Medina] with spent cartridge located in field south of Voyager Drive and collected by Criminalist Zimmerman

Item #9: Spent Smith and Wesson 40 caliber (Officer Medina's) shell casing located in field south of Voyager Drive east of item #10 and collected by Criminalist Zimmerman

Item #10: Spent Smith and Wesson 40 caliber (Officer Medina's) shell casing located in field south of Voyager Drive west of item #9 and collected by Criminalist Zimmerman

Item #11: Spent Smith and Wesson 40 caliber (Officer McCombs's) shell casing located in field south of Voyager Drive (Furthest east shell casing) east of item # 12 and collected by Criminalist Zimmerman

Item #12: Spent Smith and Wesson 40 caliber (Officer McCombs's) shell casing located in field south of Voyager Drive east of item # 13 and collected by Criminalist Zimmerman

Item #13: Spent Smith and Wesson 40 caliber (Officer McCombs's) shell casing located in

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Prepared By: 938 DUNHAM, JASON P <input checked="" type="checkbox"/> BODY CAMERA RECORDED	Date: 05/25/2017	Approved By: 937 THOMPSON, AMELIA A	Date: 06/20/2017
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TEHACHAPI POLICE DEPARTMENT

20 WEST C STREET TEHACHAPI, CA 93561 (661) 822-2222

SUPPLEMENT 4 - EVIDENCE SEIZURE

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- field south of Voyager Drive east of item # 14 and collected by Criminalist Zimmerman
- Item #14: Spent Smith and Wesson 40 caliber (Officer McCombs's) shell casing located in field south of Voyager Drive (Furthest west shell casing) west of item # 13 and collected by Criminalist Zimmerman
- Item #15: One pair of mens boots located in field south of Voyager Drive south of shell casings and collected by Criminalist Zimmerman
- Item #16: Blood stains in field located south of Voyager Drive (NOT COLLECTED) by Criminalist Zimmerman and Ruvalcaba
- Item #17: Miscellaneous items (lottery ticket and small plastic vial) removed from Mr. Kollin's shorts by Sergeant Thompson and collected by Criminalist Zimmerman
- Item #18: \$287.70 in United States currency removed from Mr. Kollin's shorts by Sergeant Thompson and collected by Criminalist Zimmerman
- Item #19: Black T-shirt removed from Mr. Kollin's person at Kern Medical center and collected by Officer Horning
- Item #20: Men's metal ring removed from Mr. Kollin's person at Kern Medical center and collected by Officer Horning
- Item #21: Men's shorts removed from Mr. Kollin's person by Hall Ambulance and collected by Investigator Jehle
- Item #22: DVD containing video surveillance footage obtained from Holiday Inn Express by Officer Vielma

CHAIN OF EVIDENCE:

The above listed items were collected by the indicated officers, criminalist or investigators and given to me. The items were retained in my care and custody until they were logged into this report and booked into the Tehachapi Police Department's Property Room as evidence

Item #22 was transferred from a memory card to a DVD disc and booked as evidence

Note: The numbers assigned to these items in RIMS do not match. The items in RIMS have been assigned the correct property number. Refer to the property description for the correct number.

OFFICERS INVOLVED:

Chief Kroeger ID# 903 responded to the scene

Sergeant Thompson ID# 937 was the on duty supervisor and authored a supplemental report to document her involvement in this investigation

Officer Adams ID# 946 assisted in this investigation by assisting in securing the crime scene

Prepared By:
938 DUNHAM, JASON P
 BODY CAMERA RECORDED

Date:
05/25/2017

Approved By:
937 THOMPSON, AMELIA A

Date:
06/20/2017



TEHACHAPI POLICE DEPARTMENT

220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222
SUPPLEMENT 4 - EVIDENCE SEIZURE

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and maintaining the crime scene log

Officer Medina ID# 983 was the officer originally assigned to the call and became involved in an officer involved shooting

Officer McCombs ID# 987 was the secondary officer assigned to the call and became involved in an officer involved shooting

Officer Barajas ID #981 assisted with searching the field where the officer involved shooting took place and took photographs of the blood soaked dirt [Item #16]

Officer Vielma ID# 984 assisted with searching the field where the officer involved shooting took place and obtained video footage from the Holiday Inn Express

Officer Smith ID# 989 assisted in this investigation by obtaining Mr. Kollin's shorts, maintaining the crime scene and the crime scene log

Tehachapi Volunteer Linney ID# 239 assisted with securing and monitoring the exterior portion of the crime scene

Tehachapi Volunteer Funderburk ID# 256 assisted with securing and monitoring the exterior portion of the crime scene

Tehachapi Volunteer Bryant ID# 257 assisted with securing and monitoring the exterior portion of the crime scene

Tehachapi Volunteer Martin-Wylie ID# 265 assisted with securing and monitoring the exterior portion of the crime scene

Kern County Sheriff's Sergeant Jackie Newell CAD ID# 201051 assisted in this investigation by responding to the scene

Kern County Sheriff's Deputy Pierce CAD ID# 202073 assisted in this investigation by responding to the scene and initiating the crime scene log

Kern County District Attorney Investigator [Shoot Team] Lambert assisted in this investigation by conducting an independent investigation regarding the officer involved shooting

Kern County District Attorney Investigator [Shoot Team] Blaauw assisted in this investigation by conducting an independent investigation regarding the officer involved shooting

Kern County District Attorney Investigator [Shoot Team] Krueger assisted in this investigation by conducting an independent investigation regarding the officer involved shooting

Kern County District Attorney Investigator [Shoot Team] Brown assisted in this investigation by conducting an independent investigation regarding the officer involved shooting

Kern County District Attorney Investigator [Shoot Team] Jehle assisted in this investigation by conducting an independent investigation regarding the officer involved shooting

Kern County Regional Crime Laboratory Criminalist David Zimmerman ID# 324 assisted with

Prepared By: 938 DUNHAM, JASON P <input type="checkbox"/> BODY CAMERA RECORDED	Date: 05/25/2017	Approved By: 937 THOMPSON, AMELIA A	Date: 06/20/2017
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TEHACHAPI POLICE DEPARTMENT

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220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222

SUPPLEMENT 4 - EVIDENCE SEIZURE

17-05-0579

seizing evidence from the shooting scene

Kern County Regional Crime Laboratory Criminalist Ivette Ruvalcaba ID# 344 assisted with seizing evidence from the shooting scene

DETAILS:

On Thursday May 25, 2017, the indicated investigators with the Kern County District Attorney's Office responded to the scene of this officer involved shooting. The purpose of their response was to investigate the potential, if any, criminal conduct on behalf of the officers who were involved. Along with the investigators, criminalists with the Kern County Regional Crime Laboratory responded to collect evidence, document the crime scene to include detailed photographs, sketches and measurements. Refer to the officers involved for additional information.

As indicated in the first report, on Wednesday May 24, 2017 at approximately 2217 hours, Officers Bruce Medina and Jared McCombs were dispatched to the Holiday Inn Express located at 901 Capital Hills Parkway in the City of Tehachapi. The caller [Vanessa Blain] reported a suspicious person, later identified as Richard William Kollin, was occupying an older white four door sedan and was seen moving parking spots over several hours as well as looking into his vehicle's trunk.

Officer Medina and Officer McCombs arrived on scene and made contact with Mr. Kollin. He was standing near a white 1997 Mercury Grand Marquis bearing California license plate [REDACTED]. Mr. Kollin initially provided officers with the fictitious name of Rick Night and a date of birth of February 11, 1964. As officers continued their contact in an apparent attempt to properly identify Mr. Kollin, he ran from officers south from the hotel parking lot. Officers pursued Mr. Kollin on foot as he continued south into the field south of the hotel. Officers chased Mr. Kollin for approximately 200 feet south of the south curb-line of Voyager Drive at which time Officer McCombs radioed Mr. Kollin had a gun and then that there had been an officer involved shooting.

Sergeant Thompson arrived on scene and assisted officers in taking Mr. Kollin into custody and obtaining medical aid for him. Sergeant Thompson asked Mr. Kollin, prior to him being transported to the hospital where his gun was. Mr. Kollin told Sergeant Thompson he did not have a gun. Mr. Kollin was subsequently transported by ambulance to Kern Medical Center for his injuries where he remained until he was released and later booked into jail.

Being the investigative sergeant, I was contacted and requested to respond from home. I arrived on scene and spoke with Sergeant Thompson who briefed me on the aforementioned circumstances. Sergeant Thompson also advised me when she had initially arrived on scene, Officer McCombs told her "he said he had a gun" referring to what Mr. Kollin allegedly told Officer McCombs. Sergeant Thompson obtained an officer safety statement from both officers

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TEHACHAPI POLICE DEPARTMENT

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who were later transferred away from the scene and to the police department.

The Kern County District Attorney's Office was contacted and investigators with the district attorney's office later arrived on scene to investigate the aspects of the officer involved shooting. I was instructed to investigate Mr. Kollin's actions and any potential criminal violations he may have committed.

After speaking with Sergeant Thompson, I coordinated with Investigator Blaauw and walked the crime scene with her and other investigators assigned to this shooting investigation. Officer Medina and Officer McCombs were brought back out to the scene and agreed to provide an additional officer safety statement to Sergeant Thompson who recorded the statement and any questions that were asked. Refer to her supplemental report for additional information. When it was determined that Officer Medina and Officer McCombs were not going to provide a voluntary statement at the scene, they were released to return to the station and instructed to standby until their weapons could be collected and an ammunition count could be conducted.

Being that the field where the officer involved shooting occurred was covered in thick brush and shrubs and the lighting was poor, a determination was made to hold off on searching the field where Mr. Kollin ran until the sun came up. Once the sun came up, several investigators, volunteers and officers systematically searched the field and path of the foot pursuit for a firearm; however, none was located.

Criminalists David Zimmerman and Ivette Ruvalcaba with the Kern Regional Crime Lab were able to locate Officer Medina's Taser, notebook, location where Mr. Kollin was taken into custody and the officers' spent shell casings. Refer to the evidence list for additional information.

After searching the field, I along with other investigators with the District Attorney's office entered the Holiday Inn Express and requested to view the video footage. We were able to see camera footage from a camera that faces northwest. The camera was titled "Camera 15" on the video. I watched and saw Mr. Kollin back into a parking stall in the northwest portion of the north parking lot. At approximately 2213 hours according to the camera time stamp, 2220 by the CAD time in RIMS, Officer Medina arrived on scene and contacted Mr. Kollin. Approximately one minute later, Officer McCombs arrived on scene. The contact between Mr. Kollin and the officers is partially blurred out and is hard to see due to the white light that is emitting from the LED light bar on the patrol vehicles.

During the contact with Mr. Kollin, it appears Officer Medina conducted a pat down search of Mr. Kollin's person as Officer McCombs looked around Mr. Kollin's vehicle. The two officers have contact with Mr. Kollin for approximately 15 minutes at which time Mr. Kollin took off running. In the video, I observed Officer Medina and Officer McCombs pursue Mr. Kollin on foot. Officer Medina was the first officer behind Mr. Kollin and Officer McCombs was close behind. The officers chased Mr. Kollin out of the camera's view.

The officer involved shooting is not captured by video footage. At 2238 hours and 9 seconds

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THOMPSON, AMELIA A

Date:

06/20/2017

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per the CAD time stamp, Officer McCombs radioed "gun, reaching for waste [sic] band". At 2238 hours and 29 seconds, Officer Medina radioed "998". Note: the time discrepancy between the time stamp on the camera and the CAD time in RIMS is approximately seven minutes, the camera time stamp being seven minutes behind the time in RIMS. Officer Vielma later obtained the video footage from Holiday Inn Manager Alejandro Mendoza. He then gave the video to me which was contained on a memory stick. It was later transferred to a DVD.

After Mr. Kollin was shot, Sergeant Thompson arrived on scene and assisted with searching Mr. Kollin and getting him medical treatment. Mr. Kollin was transported via helicopter to the Kern Medical Center for his injuries. Officer Horning was sent to KMC to obtain Mr. Kollin's clothing. Refer to Sergeant Thompson and Officer Horning's reports for additional information.

Based on my review of the CAD entry, Mr. Kollin provided Officer Medina with a false name of Rick Knight DOB 2/11/1961. It was later learned Mr. Kollin had two warrants for his arrest out of Los Angeles County and the name he provided was an alias he has used in the past. Based on this information, it appeared Mr. Kollin lied about his identity in an attempt to prevent officers from discovering his identity and subsequently the warrants he had for his arrest.

RECOMMENDATION:

Case active, route with originals

End of report

DUNHAM/938

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SUPPLEMENT 5 - SEARCH WARRANT AND SEARCH OF
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SYNOPSIS:

The purpose of this supplemental report is to document the collection of evidence related to the search of Mr. Kollin's vehicle and my interview with him at the Kern Medical Center.

EVIDENCE:

Item #24: Photographs of Richard Kollin and children in Target envelope located on passenger seat of vehicle by Sergeant Dunham

Item #25: Letter titled "to friends" from Richard Kollin located in trunk of vehicle by Sergeant Dunham

Item #26: Small fluorescent green paper with red hand writing located in trunk of vehicle by Sergeant Dunham

Item #27: Mail addressed to Richard Kollin located in trunk of vehicle by Sergeant Dunham

Item #28: Storage receipt addressed to Breanna Kollin located in trunk of vehicle by Sergeant Dunham

Item #29: Bank of America mail addressed to Richard Kollin located in trunk of vehicle by Sergeant Dunham

Item #30: Notepad with red hand writing from Richard Kollin located on passenger seat of vehicle by Sergeant Dunham

Item #31: Black and silver Alcatel Android (Cricket) cellphone (Serial # B1780002C172BQX3) located on driver seat by Sergeant Dunham (Safekeeping)

Item #32: Black Microsoft (Cricket) cellphone (Code# 059X6M5) located on driver seat by Sergeant Dunham (Safekeeping)

Item #33: CD containing audio recorded interview with Mr. Kollin

CHAIN OF EVIDENCE:

I located the above listed items. I kept them in my custody and control until booking them as evidence into the Tehachapi Police Department's Property Room as evidence.

Items 31 and 32 were sized for safekeeping. A search warrant will be authored for these two items. They shall not be released to Mr. Kollin.

Item 33 was transferred from my digital audio recorder to a compact disc. The disc was booked as evidence.

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938

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05/29/2017

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KROEGER, KENT

Date:

05/31/2017



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SUPPLEMENT 5 - SEARCH WARRANT AND SEARCH OF
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OFFICERS INVOLVED:

Sergeant Thompson ID# 937 assisted in the search of the vehicle

DETAILS:

On Sunday May 28, 2017 the Honorable Judge Thomas Clark of the Kern County Superior Court authorized a search warrant I authored for Mr. Kollin's vehicle, a white 1997 Mercury Grand Marque bearing California license plate [REDACTED]

The purpose of obtaining the search warrant was to determine whether or not Mr. Kollin possessed any firearms. As indicated in the first report, Officer McCombs and Officer Medina were involved in an officer involved shooting after chasing Mr. Kollin through a field south of the Holiday Inn Express.

After Mr. Kollin was shot by officers McCombs and Medina, Sergeant Thompson arrived on scene and assisted officers in taking Mr. Kollin into custody and obtaining medical aid for him. Sergeant Thompson asked Mr. Kollin, prior to him being transported to the hospital where his gun was. Mr. Kollin told Sergeant Thompson he did not have a gun. Mr. Kollin was subsequently transported by ambulance to Kern Medical Center for his injuries.

I responded from my residence and upon arriving on scene, I spoke with Sergeant Thompson who briefed me on the circumstances she knew that lead up to our officers shooting Mr. Kollin. Sergeant Thompson told me when she had initially arrived on scene, Officer McCombs told her "he said he had a gun" referring to what Mr. Kollin had allegedly told Officer McCombs. Sergeant Thompson obtained an officer safety statement from both officers who were later transferred away from the scene and to the police department. The officers have not yet been interviewed by investigators regarding the incident.

The Kern County District Attorney's Office was contacted and investigator's assumed the investigation regarding the officer involved shooting. I was instructed to investigate Mr. Kollin's actions and any potential criminal conduct or violations he may have committed. Once the sun came up, several investigators, volunteers and officers systematically searched the field and path of the foot pursuit for a firearm however; none was located.

I viewed the video surveillance footage of Officer Medina and Officer McCombs contact with Mr. Kollin. In the footage I saw the officers make contact with him. While speaking with him, it appears Officer Medina pats Mr. Kollin down for weapons. The contact lasts 15-20 minutes. It appears dispatch is trying to positively identify Mr. Kollin since he provided the officer a false name. Mr. Kollin then starts to flee from officers. When Mr. Kollin makes it to the street (Voyager Drive) it looks as if he is reaching to pull his pants up while he is running. He continues to flee out of the cameras view and moments later he is shot. I obtained a copy of the footage which has been booked as evidence under a previous supplemental report.

The vehicle Mr. Kollin was occupying was found to be registered to [REDACTED] n. I later determined [REDACTED] to be Mr. Kollin's daughter. I briefly looked at the vehicles interior through the windows and it appeared Mr. Kollin was living inside the vehicle. The vehicle was unkempt

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SUPPLEMENT 5 - SEARCH WARRANT AND SEARCH OF
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and contained clothing and blankets consistent with being used as a living space. The vehicle was impounded for evidence and was towed and secured in the Tehachapi Police Department's sally port.

Dispatch was able to properly identify Mr. Kollin by the name he initially provided (Rick Knight DOB 2-11-1961). It was found to be an alias he uses and the date of birth he gave was the correct month and day however Mr. Kollin changed his birth year to 1961 rather than 1964. Additionally, dispatch advised Mr. Kollin had a felony warrant for his arrest out of Los Angeles County for grand theft with a bail amount of \$100,000, as well as a misdemeanor warrant. Dispatch also found Mr. Kollin was on probation for weapons and had been served a domestic violence restraining order. The order was served on 2/8/2013 and expires on 2/8/2018. As part of being served, Mr. Kollin is prohibited from possessing firearms and was supposed to surrender his weapons. I found Mr. Kollin to currently have two firearms registered to him, one being a Glock model 22 40 Caliber handgun, serial number BDT126US and a Ruger 357 revolver, serial number 17075814. Additional checking of the two firearms revealed Mr. Kollin has not surrendered the two firearms as ordered by the Superior Court, County of Los Angeles.

I reviewed Mr. Kollin's criminal history and found him to have several arrests related to weapons possession and an arrest for possession of concealed weapon in a vehicle. Additionally I found Mr. Kollin was convicted of a felony on 7/3/2012 under Los Angeles County Superior Court case number ATPMA05591701 for vehicle theft. He was also convicted on 11/2/2015 for 5 counts being a felon in possession of firearms and ammunition under Los Angeles County Superior Court case number 4314584-33275634.

Based on Mr. Kollin's criminal history, served domestic violence restraining order coupled with the fact that Mr. Kollin was said to have a firearm prior to the officers becoming involved in a shooting, I believe Mr. Kollin's vehicle contained evidence of his illegal weapons or ammunition possession and obtained a search warrant to look for such items.

On May 28, 2017 at approximately 1352 hours, the Honorable Judge Thomas Clark approved the search warrant as I was on the phone with him. The search warrant was presented to him through the ARIETIS system. At approximately 1615 hours, Sergeant Thompson and I searched the vehicle. No firearms or ammunition were located.

I did locate a list of firearms that looked as if it was some sort of receipt from when firearms were sold however; the receipt did not contain Mr. Kollin's name, nor did it indicate a date. It is unknown if the firearms were sold or traded prior to or after to his felony convictions or being served a restraining order. I did not seize the receipt.

I did locate several pieces of mail and paperwork with Mr. Kollin's name which indicated to me he had dominion and control over the vehicle. I also located two cellular telephones in the vehicle. I seized the cell phones as safekeeping. Refer to the above seized items and photographs for additional information.

After the search, Mr. Kollin's vehicle was towed and stored pursuant to his arrest. The vehicle was towed on May 30, 2017.

On May 29, 2017 I responded to the Kern Medical Center to interview Mr. Kollin. Upon arrival I

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SUPPLEMENT 5 - SEARCH WARRANT AND SEARCH OF
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contacted Mr. Kollin who was lying in a hospital bed. I told Mr. Kollin I wanted to speak with him. Mr. Kollin mumbled and groaned and was fidgeting his feet. I asked Mr. Kollin if he would talk to me. Mr. Kollin continued to close his eyes and fidget around but moved his head up and down indicating he would talk to me.

I started to advise Mr. Kollin of his rights per the Miranda decision. When I read the first right (You have the right to remain silent) and asked if he understood, he stated no then asked, "What did I do." I told him nothing and wanted to let him know what his rights were. I asked if that was okay and he replied "yeah, I don't want to say anything."

I told Mr. Kollin I wanted to read him his rights then he could tell me if he did not want to speak with me. I again advised Mr. Kollin of his rights by reading them verbatim from a Lexis Nexis card provided to me by the Tehachapi Police Department. When asked after reading each of the rights to him, Mr. Kollin fidgeted around and shook his head up and down which to me, indicated he understood his rights.

I explained to Mr. Kollin that the reason I was there was because I wanted to know what happened, why he ran from the officers and if he had told the officers he had a gun. Mr. Kollin stated he never told the officer he had a gun. I asked him what the reason was that made him take off running and Mr. Kollin claimed he did not remember. I asked Mr. Kollin if it was because he had a warrant. Mr. Kollin stated no. I asked him if he was using any drugs and he stated no.

I explained to Mr. Kollin that the two officers who had contacted him had not made any statements so I was only able to view the video from the hotel. I noted as I spoke with Mr. Kollin, he was restless; he opened and shut his eyes and would look at me then look away. I could not determine if he was in extreme pain, suffered from a neurological disorder or was acting. Based on the frequency of his movements and the inconsistencies in them, it appeared Mr. Kollin would move his body more when I asked him pointed questions and would relax after the question was over. This led me to believe he was either reacting to the pain medication or was acting to have some sort of disorder.

Mr. Kollin then told me he did not have a gun. I told Mr. Kollin that one of the officers made comment that he told the officer he had a gun. Mr. Kollin responded by making a gasping sound and then continued with his fidgeting, erratic movements of his head and opening and closing his eyes. Because I had located a military type uniform in his vehicle which displayed the name "Knight," I asked Mr. Kollin if he was ever in the military. Mr. Kollin did not answer the question and rather asked me why the officers said he had a gun. I told him I did not know at which time Mr. Kollin asked if he pointed something at them. I explained I did not know because I wasn't there.

Mr. Kollin started to explain that the officers asked him if he had a gun and he told them no, he did not have a gun. Mr. Kollin stated he remembered saying he did not have a gun then he heard "gun shots going off." He continued to mumble about the officers asking him if he had a gun. I asked Mr. Kollin he remembered hearing the officers telling him to stop and he stated he did not remember "nothing." Mr. Kollin explained he did not do anything wrong and then all he heard was bullets flying everywhere. Mr. Kollin stated, "I just tried to get away from them..... because the bullets were flying." "Next thing I know I was on the ground..... and I

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was...."

I asked Mr. Kollin again if he had ever served in the military. Mr. Kollin stated he "shouldn't say nothing until I get an attorney, I need to get an attorney.... Can I get my attorney." I explained to that once the time came, they; referring to the court would arrange to get him an attorney. Mr. Kollin asked when would he get one and I explained once a case was filed against him. I explained there was not a case filed against him and when there was a case filed against him, they would get him an attorney.

It shall be noted that Mr. Kollin was never handcuffed and to my knowledge never told that he was under arrest. Sergeant Thompson advised me after Mr. Kollin was shot, he was transported by ambulance un-handcuffed and taken to the Kern Medical Center. During his time there, there was no officer assigned to maintain custody of him nor was he handcuffed to the hospital bed. Hospital staff did place him on a hold at my direction and I advised the staff that once Mr. Kollin was going to be discharged to contact me so I could make arrangements to have an officer respond to the hospital and take him into custody.

Mr. Kollin began to ramble on and started discussing the fact that he had been married for 20 years, that his ex-wife was a school teacher who taught in Palmdale and once he lost his wife, his whole life essentially fell apart. Mr. Kollin stated he lost his children and continued to talk to me about his children and family, his vehicle registration and that he could not remember anything.

Mr. Kollin stated he did not remember the officers contacting him or why he ran. He stated he remembered having a conversation with them about him having guns but he said "no" and that he remembered saying he did not have one. Mr. Kollin mumbles then told me he took off running and he got shot. Mr. Kollin stated he has never run from the police.

Mr. Kollin continued to ramble and went on to explain how he owned a septic company and explained where the offices were. He stated he had employees and he was the responsible one. He then stated he had never used any drugs except marijuana because it was legal. Mr. Kollin stated he had never used methamphetamine or heroin and wanted me to look at his teeth. I thought this was odd considering I hadn't shown a great concern about his drug use. I did locate marijuana paraphernalia in his vehicle but none of it appeared to be unlawful.

Mr. Kollin stated he knew members of law enforcement and we continued to discuss his past family issues, how he lived in Green Valley and Leona Valley. Mr. Kollin appeared to be acting as if he could not remember specifics but I believed he was simply putting on a show.

I attempted to have Mr. Kollin sign a release of medical records from however; he would not release them unless his daughter was there. Mr. Kollin stated he could not see the form either.

I revisited what happened the night of the shooting at which time Mr. Kollin asked if the officers said he had a gun. I again explained to him what Sergeant Thompson told me. He asked if we located a firearm and I told him we had not. I asked Mr. Kollin if he was reaching for his pants or anything and he replied "no." He stated he remembers running and telling the officers "stop guys" and that he did not have a gun. He stated he remembers the officers shooting and that he was facing away from them and was shot in the back two times. He stated the officers were telling him to "drop the gun....drop the gun." He explained he was

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SUPPLEMENT TO SEARCH WARRANT AND SEARCH OF
VEHICLE AND INTERVIEW WITH SUSPECT

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laying on his back and could feel the blood coming out of his back. He stated he did not want to put his hands up in fear that the officers would shoot him again. Mr. Kollin stated he initially took off running because the officers said he had a gun. He stated the officer told him he had a gun when he was near the patrol vehicles which prompted him to run.

I asked Mr. Kollin what he was doing in Tehachapi and he stated he was going to Bakersfield to get a part for a diesel truck but decided to sleep in Tehachapi and travel to Bakersfield in the morning. Mr. Kollin stated he has stayed at the Holiday Inn Express many times but this time he did not have his license so he did not know if he could get a room. I explained to Mr. Kollin that the hotel clerk observed him moving to several parking spots at the hotel. Mr. Kollin then stated he was going to spend the night in the car.

I spoke with Mr. Kollin for another 20 minutes or so and completed my contact with Mr. Kollin. Later that day, I received a call from the hospital that Mr. Kollin was attempting to leave the hospital against medical advice. Officer Caudillo responded to the Kern Medical Center where he took Mr. Kollin into custody for the indicated open charges and two outstanding warrants for his arrest.

RECOMMENDATION:

End of report, route with originals

DUNHAM/938

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SUPPLEMENT 6 - INTERVIEW WITH PATRICIA MCMAINS

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SYNOPSIS:

The purpose of this supplemental report is to document my interview with Mr. Kollin's ex-wife, [REDACTED]

EVIDENCE:

Item # 34: CD containing recorded interview with [REDACTED]

CHAIN OF EVIDENCE:

The above item was transferred from my digital recorder to a CD. It was kept in my care and custody until it was booked into the Tehachapi Police Department Property Room as evidence

OFFICERS INVOLVED:

Kern County District Attorney Investigator Blaauw was present and assisted in the interview of [REDACTED]

Kern County District Attorney Investigator Jehle was present and assisted in the interview of [REDACTED]

DETAILS:

On Tuesday May 30, 2017, Kern County District Attorney Investigators Blaauw, Jehle and I contacted and interviewed Mr. Kollin's ex-wife, [REDACTED]. The interview took place at [REDACTED]'s place of work, [REDACTED] School, in Palmdale, California.

During the interview with Mrs. McMains, she stated she knew Mr. Kollin since 1989 and was married to him from 1990 to 2011; they finalized their divorce in 2014. [REDACTED] indicated she and Mr. Kollin had two children together, [REDACTED].

[REDACTED] indicated Mr. Kollin was diagnosed with a learning disability as a child but to her knowledge he did not have a mental disorder. She indicated he believed his own lies and their children allegedly did not have a relationship with him because he was mean to them.

[REDACTED] went on to explain to her knowledge, Mr. Kollin owned firearms while they were married but indicated she paid little attention to how many or what type of firearms he possessed. She estimated there to be five firearms. Mr. Kollin would have had to turn the firearms in due to the fact [REDACTED] obtained a domestic violence restraining order against Mr. Kollin. She went on to explain on June 2, 2011, Mr. Kollin pointed a gun to her head and threatened her with it. [REDACTED] stated the case was reported with the Los

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Date:

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SUPPLEMENT 6 - INTERVIEW WITH PATRICIA MCMAINS

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Angeles County Sheriff's Department; however, there was no proof to arrest Mr. Kollin for the assault.

During the interview with [REDACTED], she appeared to be very selective on how she answered our questions. She thought for moments before she should answer and when she did, she appeared to be somewhat vague and/or acted as if she did not know or remember specific facts I believed she would remember or have knowledge of, such as Mr. Kollin's weapon possessions when they were married, the fact that he was or was not in the military or if he had a mental disorder.

I later found my suspicions of her honesty to be accurate when I reviewed an arrest report involving Mr. Kollin and weapons he was found to be in possession of which lead to his subsequent arrest. I noted Investigator Jehle asked [REDACTED] when she last spoke to Mr. Kollin and she replied it was when their divorce was final which she had indicated was in 2014. She told Investigator Jehle she did not communicate with Mr. Kollin and had done so through her attorney. I found this to be inaccurate. I do not know if [REDACTED] was intentionally lying or forgot that she had in fact spoken with Mr. Kollin more recently than what she told Investigator Jehle.

As part of the information gathering process related to learning who Mr. Kollin was, I obtained reports involving him from the Los Angeles County Sheriff's Department, Palmdale Station. I obtained these reports after we spoke to [REDACTED] and found in reviewing report URN915061762663151, [REDACTED] communicated with Mr. Kollin after his arrest for weapons possession. In the report, Detective Mike Baker #471298 documented that he listened to Mr. Kollin's jail calls after his incarceration and after he had spoken to [REDACTED] and [REDACTED]. Both [REDACTED] were present at the court for Mr. Kollin's arraignment and attempted to convince the district attorney and Detective Baker that the firearms Mr. Kollin unlawfully possessed actually belonged to Mr. Kollin's daughter [REDACTED]. Detective Baker noted [REDACTED] story was inconsistent with the facts of the case and further noted she could not provide specific details as to the description of the firearms and was reading from a notepad.

This prompted Detective Baker to listen to the jail calls. On 5/2/2015, Mr. Kollin spoke to [REDACTED] on the phone. According to Detective Baker's report, the two spoke about firearms the suspect was arrested for. Mr. Kollin apparently told [REDACTED] the firearms he had belonged to her father and his grandfather. The two apparently continued to talk about the firearms and the fact that they were family heirlooms. Refer to the report for additional information.

Based on these documented phone calls, it appeared [REDACTED] was either covering up for Mr. Kollin when I asked her if he had an obsession about firearms or she was purposely being vague because she was scared of Mr. Kollin. Despite what her motive was when

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938 DUNHAM, JASON P
 BODY CAMERA RECORDED

Date:
05/29/2017

Approved By:
937 THOMPSON, AMELIA A

Date:
06/27/2017



TEHACHAPI POLICE DEPARTMENT

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SUPPLEMENT 6 - INTERVIEW WITH PATRICIA MCMAINS

17-05-0579

speaking with Investigators Blaauw, Jehle and I, I felt [REDACTED] knew more than she wanted to speak to us about and she was not being forthcoming with information.

The interview with [REDACTED] continued and she indicated Mr. Kollin was unpredictable at times during their marriage. She believed he could be bipolar which she believed came on when their children were in high school. She also indicated Mr. Kollin was controlling and did not allow their children to attend normal functions such as football games or her to attend functions with her friends. The interview was later concluded. Refer to the attached CD containing the recorded interview for additional information.

RECOMMENDATION:

Supplemental report route with originals

End of report

DUNHAM/938

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Prepared By: 938 DUNHAM, JASON P <input checked="" type="checkbox"/> BODY CAMERA RECORDED	Date: 05/29/2017	Approved By: 937 THOMPSON, AMELIA A	Date: 06/27/2017
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TEHACHAPI POLICE DEPARTMENT

220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222
SUPPLEMENT 7

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17-05-0579

SYNOPSIS:

I picked up Richard Kollin from Kern Medical Center after he was treated and cleared for booking. I transported him to Central Receiving Facility where he was booked for the indicated charges.

DETAILS:

On Monday 05/29/2017 at about 0913 hours, I was assigned to pick up Richard William Kollin from Kern Medical Center (KMC) in Bakersfield and transport him to the Kern County Sheriff's Office Central Receiving Facility (CRF) in Bakersfield. I responded from the City of Tehachapi and arrived at KMC at about 1000 hours.

I responded to Kollin's room in the Definitive Observation Unit. I made contact with Dr. Harper who advised me that Kollin was medically cleared and ready for discharge. It should be noted, Kollin attempted to leave the hospital multiple times prior to my arrival, against medical advice. Dr. Harper advised Kollin did not need any further medical assistance. I stood by with Kollin while KMC staff prepared Kollin's discharge paperwork.

At about 1438 hours, Kollin was discharged from KMC. I took Kollin into custody and transported him to CRF where he was booked for the indicated charges with the approval of Sergeant J. Dunham.

Kollin was booked for open charges of PC 148 and PC 148.9 along with two warrants out of Los Angeles County.

Warrant No: XNOMA06789301

Bail Amount: \$100,000

Severity: Felony

Charges: PC 487(A), PC 532(A), BP 7159.5(A)(3)

Warrant No: ATP3AV0204901

Bail Amount: \$50,000

Severity: Misdemeanor

Charges: PL 3.44.040, BP 7028(A)

RECOMMENDATION:

Route with original.

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Prepared By: 988 CAUDILLO, SEAN <input checked="" type="checkbox"/> BODY CAMERA RECORDED	Date: 05/29/2017	Approved By: 937 THOMPSON, AMELIA A	Date: 05/31/2017
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TEHACHAPI POLICE DEPARTMENT

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SUPPLEMENT 8

17-05-0579

SYNOPSIS:

The purpose of this supplemental report is to document that I indicated Officer Barajas was the assisting officer when in fact it was Officer McCombs

DETAILS:

On May 31, 2017 I reviewed the first report I authored and found I mistakenly indicated Officer Barajas was the assisting officer during the contact with Mr. Kollin however; the correct officer was Officer McCombs.

RECOMMENDATION:

End of report, route with originals

DUNHAM/938

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TEHACHAPI POLICE DEPARTMENT

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200 WEST C STREET TEHACHAPI, CA 93561 (661) 522-2722
SUPPLEMENT 10 - SEARCH OF STORAGE UNIT

17-05-0579

SYNOPSIS:

The purpose of this supplemental report is to document my interview with A-American Self-Storage Manager, Alejandro Fugon, and the subsequent search of Mr. Kollin's storage unit.

EVIDENCE:

Item #36: California DMV registration addressed to Richard Kollin located inside storage unit M-13 at A-American Self Storage [REDACTED] California by Sergeant Dunham

Item #37: Los Angeles County Sheriff Department Aero Squadron jump suit with the name MCGILLIVRAY embroidered on the suit located inside storage unit M-13 at A-American Self Storage [REDACTED] California by Sergeant Dunham

Item #38: Black Weaver rifle scope [Larger scope] located inside storage unit M-13 at A-American Self Storage [REDACTED] California by Sergeant Dunham

Item #39: Black Weaver rifle scope [Smaller scope] located inside storage unit M-13 at A-American Self Storage [REDACTED] California by Sergeant Dunham

Item #40: 30 round Colt magazine [5.56mm] located inside storage unit M-13 at A-American Self Storage [REDACTED] California by Sergeant Dunham

Item #41: iPhone 6 [Serial # DNPPD06NG5MG] located inside storage unit M-13 at A-American Self Storage [REDACTED] California by Sergeant Dunham

Item #42: iPhone 6 [IMEI # 352019070909175] located inside storage unit M-13 at A-American Self Storage [REDACTED] California by Sergeant Dunham

Item #43: Benjamin 22 caliber carbine rifle barrel missing stock [Serial # J2075 Model # 352] located inside storage unit M-13 at A-American Self Storage [REDACTED] Palmdale California by Sergeant Dunham

CHAIN OF EVIDENCE:

I located the above listed items which I kept in my care and custody until I booked them into the Tehachapi Police Department Property Room as evidence

DETAILS:

On Monday May 29, 2017, I interviewed Mr. Kollin regarding his contact with our officers on May 24, 2017. Towards the end of my conversation with him, he identified an ex-girlfriend he had recently separated from and had also asked that I make contact with his daughter. Mr. Kollin wanted me to tell his daughter to sell his belongings stored in his storage unit to pay to get the Mercury out of the tow yard. I inquired as to where the storage facility was and I

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SUPPLEMENT 10 - SEARCH OF STORAGE UNIT

17-05-0579

mentioned Palmdale, knowing I had already observed the receipt for A American Self Storage in Mr. Kollin's vehicle. Mr. Kollin initially replied, "Yes", but then changed the location and told me it was located in Acton. It was obvious Mr. Kollin did not want to provide me the location of the storage unit.

On Tuesday May 30, 2017 I located and interviewed Mr. Kollin's girlfriend, [REDACTED]. During the interview, [REDACTED] told me she dated Mr. Kollin on and off since 2014. She told me while they were together; Mr. Kollin possessed what she believed was approximately 18 firearms. She further told me he kept them in a safe and since she did not like guns, she called the police who responded and took custody of the firearms from Mr. Kollin, who was prohibited from possessing firearms.

[REDACTED] went on to tell me after Mr. Kollin was released from jail, he had more firearms in his possession regarding which he told her the county had given back to him. She also told me at one point Mr. Kollin had firearms buried as well to prevent anyone from finding them. I believe Mr. Kollin was lying to his ex-girlfriend so that she would not again contact law enforcement. I asked [REDACTED] if he had a storage unit and she told me he did. She told me she had been to the storage unit in the past but could not remember the name of the storage unit company. She was able to tell me it was located on [REDACTED] Palmdale which was consistent with the address on the receipt I located in Mr. Kollin's vehicle.

[REDACTED] went on to state when Mr. Kollin had no money, he would go to the storage unit so he could sell stuff to "make money." [REDACTED] also told me that in the past, Mr. Kollin's daughter, [REDACTED] sold several firearms for Mr. Kollin so that he could bail out of jail. I found this was consistent with the receipt I located in Mr. Kollin's vehicle and believe it was a receipt given to [REDACTED] document what money was given to her for what firearms. Based on this information, I asked [REDACTED] if she believed the storage unit Mr. Kollin had could contain firearms and she stated did now know what was inside the storage unit but believed it could contain firearms. Refer to the previous supplemental report documenting the interview with [REDACTED] additional information.

After speaking with [REDACTED] and [REDACTED] I believed Mr. Kollin was obsessed with firearms and it was reasonable to believe he had additional firearms that he could have stored in his storage unit. With this in mind, I responded to A-American Self Storage located at [REDACTED] in Palmdale, California.

On arrival, I spoke to the facility manager [REDACTED] [REDACTED] immediately knew of Mr. Kollin when I mentioned his name and told me Mr. Kollin's unit was recently up for auction. [REDACTED] told me Mr. Kollin had a person call and pay his storage bill on May 13, 2017 which was had a balance of just over a thousand dollars. The caller identified himself as [REDACTED] from Texas [NFD] and paid Mr. Kollin's bill with a credit card. The next day, May 14, 2017 Mr. Kollin arrived and desperately needed into the storage unit. [REDACTED] described Mr. Kollin's actions as "weird" and that he needed into the unit as if it was "a life or death situation." Alex told me Mr. Kollin's storage unit number was M-13 and stated the storage unit was in his daughter Breanna's name; however, he knew the unit contained Mr. Kollin's items.

[REDACTED] told me Mr. Kollin's is the only one who comes to pay the storage bill and access the storage unit with the exceptions of one or two times, which was [REDACTED] then [REDACTED]

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SUPPLEMENT 10 - SEARCH OF STORAGE UNIT

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brought up the surveillance footage which records the storage facility. I saw Mr. Kollin arrive in the white Mercury Grand Marquis and drive to the storage unit. A worker from the storage facility removed the lockout device from the unit at which time Mr. Kollin unlocked and opened the unit. Mr. Kollin remained inside the unit for a few minutes then exited, secured the unit and left. I could not tell what if anything Mr. Kollin removed. [REDACTED] later emailed me the video stills taken from video footage of Mr. Kollin accessing the storage unit on May 14, 2017. I have attached those photographs to the photographs section of this report.

Based on the above information, I authored and later obtained a search warrant for Mr. Kollin's storage unit. The search warrant was authorized by the Honorable David Zulfa, Judge of the Kern County Superior Court Mojave Branch.

On May 31, 2017 at approximately 1600 hours, I executed the search warrant and searched unit M-13. Prior to searching, I found the storage unit was in complete disarray and was unkempt. There were items thrown and stacked everywhere as if someone had already pilfered through the unit; however, [REDACTED] advised me the last time anyone had accessed the storage unit was on May 14th when Mr. Kollin had come to the facility. He claimed to know who accessed the facility based on the access code people use to enter the facility.

I searched through the storage unit and located the above listed items. There were two filing cabinets I could not access to the plethora of items that were blocking my access to the cabinet drawers.

During the search I located two items Mr. Kollin was prohibited from possessing as a convicted felon, the first being the Benjamin 22 caliber carbine rifle barrel and the second being a large capacity 30 round magazine. I inspected the rifle which was missing its stock and found the rifle appeared to be operable and would fire a 22 caliber rim fire round. Additionally I later determined the Colt large capacity magazine was a 30 round capacity by placing 30 bullets into the magazine.

When I completed the search, I placed the items as best as I could back into Mr. Kollin's storage unit and left a copy of the search warrant and a receipt for the items I seized as evidence. Refer to the attached photographs for additional information.

RECOMMENDATION:

Supplemental report route with originals

End of report

DUNHAM/938

Prepared By:
938 DUNHAM, JASON P
BODY CAMERA RECORDED

Date:
06/22/2017

Approved By:
937 THOMPSON, AMELIA A

Date:
06/27/2017

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TEHACHAPI POLICE DEPARTMENT

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SUPPLEMENT 11 - No filing of charges 5/31/2017

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SYNOPSIS:

The purpose of this supplemental report is to document that charges were not filed on Mr. Kollin at the time of his arraignment.

DETAILS:

On Monday May 31, 2017, I attempted to contact Deputy District Attorney Jason Webster prior to Mr. Kollin's arraignment to advise him it was my intention to release Mr. Kollin from custody pursuant to Penal Code section 849(b)(1).

I then contacted the Mojave jail to advise them I was on my way to the jail to complete the release form for Mr. Kollin. When I arrived at the jail, I was advised that Mr. Kollin was already on his way to Central Receiving Facility, Bakersfield, because the district attorney had not filed charges against Mr. Kollin. I was further advised Mr. Kollin would be released from custody if he did not have any additional wants in other jurisdictions. I advised the jail staff Mr. Kollin did have two warrants for his arrest out of Los Angeles County.

The next day, I learned Mr. Kollin had already been transferred to Los Angeles County for his warrants and an 849(b)(1) form was never completed.

RECOMMENDATION:

Supplemental report route with originals

End of report

DUNHAM/938

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OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF KERN

CRIMINAL DIVISION

CIVIC CENTER JUSTICE BUILDING

1215 TRUXTUN AVENUE, 4TH FLOOR

BAKERSFIELD, CALIFORNIA 93301

(661) 868-2340, FAX: (661) 868-2700

SCOTT J. SPIELMAN

ASSISTANT DISTRICT ATTORNEY

MARK E. PAFFORD

CHIEF DEPUTY DISTRICT ATTORNEY

LISA S. GREEN
DISTRICT ATTORNEY

July 16, 2018

MEDIA ADVISORY

CONTACT:
(661) 868-2350

FOR IMMEDIATE RELEASE
Approved by _____

Kern County District Attorney Lisa Green announced that no criminal charges will be filed in connection with the May 24, 2017 shooting of Richard William Kollin by Officers Jared McCombs and Bruce Medina of the Tehachapi Police Department. After a thorough investigation of the facts and review of the applicable law, District Attorney Green determined that there is no reasonable likelihood of a jury finding that the officers violated the law beyond a reasonable doubt.

Shortly after 10:00 pm on the night of May 24, 2017, an employee of the Holiday Inn Express in Tehachapi called the Tehachapi Police Department to report a man, later identified as Kollin, engaging in suspicious activity in the hotel parking lot. Police received the call, and Officers McCombs and Medina were dispatched to the hotel to investigate. Video surveillance obtained from the hotel shows the officers arriving in separate cars and approaching Kollin. Officer Medina conducted a pat-down search of Kollin in an apparent attempt to determine whether he was armed. Officer McCombs watched most of the pat-down, but then began to search Kollin's car before Officer Medina completed it.

Kollin, who was on felony probation arising from an LA County case, gave the officers a false name. During his search of Kollin's car, Officer McCombs immediately smelled the odor of marijuana, and did in fact locate a bag of marijuana inside. Officer Medina stated that after dispatch informed him that there was no record of a person by the name Kollin gave, he told Kollin he would have to take him to the station if they were unable to verify his identity. Kollin then began to run away from officers, leaving the hotel parking lot and proceeding across the street into an open field. The two officers pursued him on foot. It was dark outside, and there was no source of lighting within the field, so the officers used their flashlights to attempt to illuminate their surroundings during the pursuit.

Both officers commanded Kollin to stop, but Kollin continued to attempt to escape. Officer Medina performed a leg sweep on Kollin, causing both men to fall to the ground, but Kollin got up and

continued to run. Officer Medina then deployed his taser, but was unable to bring Kollin to a stop. Both officers told investigators that they heard Kollin say, "I'm going to kill you, I have a gun" during the pursuit. Officer McCombs said that he saw Kollin holding up his loose shorts with one hand while making a digging motion near his waistband with the other. This caused Officer McCombs to believe that Kollin was reaching for a gun. Officer McCombs said that Kollin then turned towards him with his right hand raised and extended, causing him to believe that Kollin was holding a gun. Officer McCombs broadcast to dispatch that Kollin had a gun, and that he was reaching for his waistband, then fired at Kollin with his gun. Officer Medina heard the gunshot from Officer McCombs's gun and fired his weapon as well. Kollin was hit twice and fell to the ground, but continued to ignore commands from officers to move his hands out from underneath his body and allow officers to determine whether he was a threat. Kollin was eventually taken into custody and transported to receive medical treatment. No gun was found on Kollin's person, although one was later discovered in his car.

Kollin later told investigators that he fled in response to the officers acting aggressively towards him. He said that, while he was running from them, he yelled, "I don't have a gun" repeatedly. He also made statements regarding his conduct and that of the officers that appear to be contradicted by the surveillance video, such as indicating that no pat-down search was conducted in the parking lot. Kollin's ex-girlfriend told investigators that Kollin's previous experience in jail had led him to state that he had no intention of going back, and that if police officers attempted to arrest him again he would force the officers to kill him. Kollin denied making that statement. Kollin had a seven year suspended sentence attached to his probation from LA County, meaning that he would be sentenced to a seven year prison term if he violated the law.

District Attorney investigators obtained an expert medical opinion, which indicated that Kollin's gunshot wounds were consistent with him being shot while turning back towards his pursuers with his arm raised and extended, as Officer McCombs indicated in his statement. An independent expert in the field of police use of force also conducted a review of the case. The expert found, after reviewing the results of the investigation, that the shooting was justified.

Report of Outside Independent Experts Greg Meyer and Richard Marks
Tehachapi Police Department—Officer-Involved Shooting (OIS)
File No. I-17-047

PURPOSE

On May 4, 2018, the Kern County District Attorney's Office (KCDA) retained police use-of-force expert and retired Los Angeles Police Department Captain Greg Meyer to independently review a 2017 Tehachapi Police Department (TPD) non-fatal OIS of an unarmed suspect. The purpose was to assist in the determination of whether criminal culpability existed on the part of the involved officers.

METHODOLOGY

Meyer subcontracted the services of Richard Marks, a retired LAPD detective supervisor with extensive experience investigating homicides and officer-involved shootings. Having worked together on other such cases, Meyer and Marks independently reviewed the documents, then jointly prepared this report.

DOCUMENTS/MATERIALS REVIEWED

- TPD CAD Incident Report (1705224-0046) and audio CD of corresponding police radio transmissions, as well as a telephone conversation between Officer Medina and the Communications Center
- TPD Felony and Supplemental Reports
- KCDA Summary, Crime Scene, and Supplemental Reports
- KCDA Interview Report-Vanessa Blain, together with a CD of the recorded statement
- DVDs of security video from the Holiday Inn Express
- Scene photographs
- Audio files (2) of the clarification of officers' initial joint public safety statement regarding route of foot pursuit
- KCDA Interview Report-Officer Jared McCombs, together with a CD (and transcript) of the recorded voluntary statement
- KCDA Interview Report-Officer Bruce Medina, together with a CD (and transcript) of the recorded voluntary statement
- KCDA Interview Report-Sergeant Amelia Thompson, together with a CD of the recorded voluntary statement
- KCDA Interview Report-Richard Kollin, together with a CD of the recorded statement
- KCDA Supplemental Report-summarizing reinterview of Richard Kollin, together with CD of the recorded statement
- KCDA Interview Report-Norma Quintero, together with a CD of the recorded statement
- Kern County Regional Crime Laboratory Report of Examination
- KCDA Interview Report-Dr. R. Skinner
- KCDA Case Report summarizing consult with Kern County Forensic Medical Examiner Dr. E. Carpenter

FACTUAL SUMMARY

On Wednesday afternoon, May 24, 2017, then 53-year-old **Richard William Kollin**, a.k.a. Richard Knight, drove into the Holiday Inn Express parking lot at 901 Capital Hills Parkway in Tehachapi (Kern County). A Pear Blossom (Los Angeles County) resident, Kollin parked his white

1997 Mercury Grand Marquis sedan, California license 7JPT413, in the rear guest lot, but did not register for a room. He remained with the car (often moving between the passenger compartment and trunk), but his unwelcome attention/stares directed at a long-term female guest and her children resulted in a delayed complaint being made to the motel desk at approximately 2140 hours.

Earlier (between 1700/1800 hours), the female desk clerk had seen the same subject/vehicle in the rear guest lot; she thought the choice of parking space was curious since there were ample other stalls available—and guests presumably would have parked closer to the building entries. The desk clerk was also aware the motel had experienced several vehicle burglaries over the past few months. Those observations and knowledge, together with the guest complaint, prompted the desk clerk to contact a supervisor, who instructed her to call the police.¹

- *The clerk visually located the suspicious person and his vehicle in the rear guest parking lot on a bank of security camera monitors behind the front desk. Prior to that day, she had never seen the subject's vehicle.²*
- *A twice convicted felon (2012 and again in 2015), Richard Kollin was currently wanted on an outstanding felony warrant issued out of LA County.*
- *In a subsequent interview, Kollin's most recent girlfriend told of having heard him proclaim he would never go back to jail and, to avoid it, would provoke any arresting officer to kill him [i.e., suicide-by-cop].³*

Notification to Law Enforcement

The TPD Communications Center received the telephone call from the motel desk at 2215:52 hours; the resulting radio call was dispatched three minutes later as a “925A” [suspicious person]. The broadcast went on to describe an “older white sedan in back of the parking lot...occupied by an unknown male adult, been there for hours, moving parking spots all night, D/P [driver prior] now looking in trunk.”

TPD Officer Bruce Medina, Serial No. 983, Unit 21-Adam, was assigned as primary, with Officer Jared McCombs, Serial No. 987, Unit 22-Adam, directed to assist. When the radio call was broadcast, the officers were parked together not far from the motel; they immediately acknowledged the assignment and responded. Upon reaching the front of the motel complex at 2220:43 hours, Officer Medina reported his arrival, adding that he would approach the rear parking lot from the west side.⁴

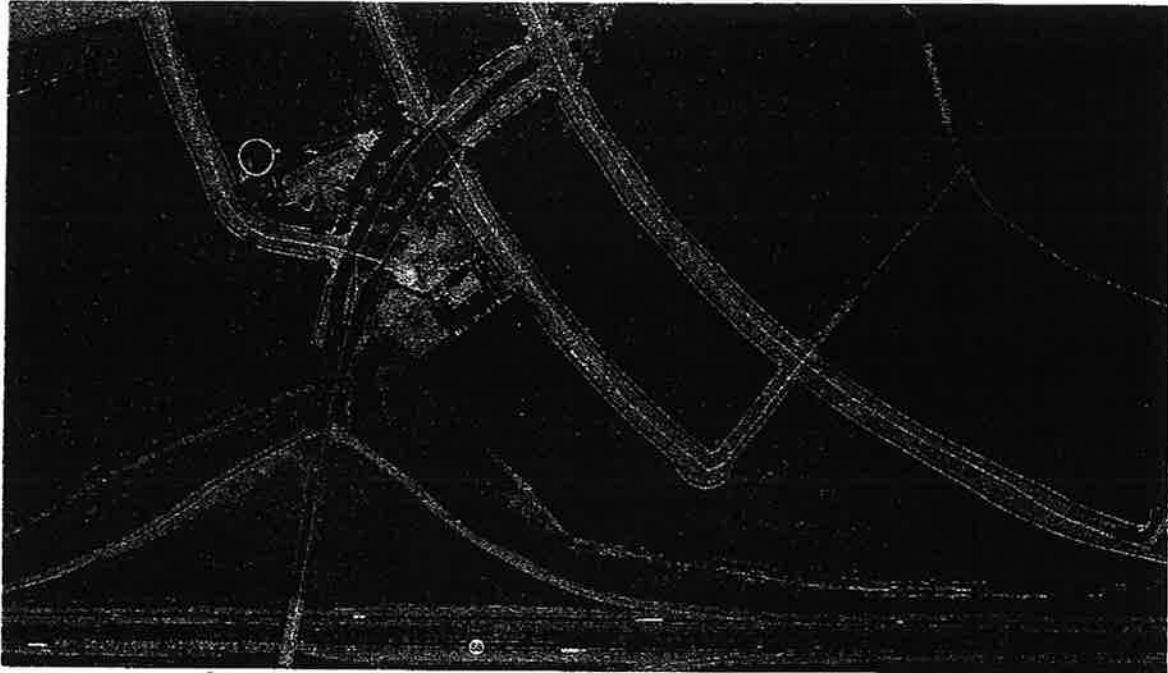
- *Officer Medina was aware of several recent auto burglaries at different city motels—in particular, one where eight firearms had been stolen. Consequently, he thought the reported ‘suspicious person’ could be an auto burglary suspect.*
- *Both officers were in full uniform and each operated a marked black/white police SUV. There were no body cameras or in-car video systems.*

¹ KCDA Interview Report-Vanessa Blain (Casebook Tab 8 @ Page 2)

² KCDA Interview Report-Vanessa Blain (Casebook Tab 8 @ Page 4)

³ KCDA Summary Report (Casebook Tab 1 @ Page 7); KCDA Interview Report-Nora Quintero (Casebook Tab 24 @ Pages 3-4)

⁴ Creating Incident No. 170524-0046: all cited times are based on the CAD Incident Report print-out, while the quoted voice communications are directly from the recorded police radio frequency



[Google Earth image; white circle depicts where Kollin's vehicle was parked]

Initial Contact

As Officer Medina rounded the curved west driveway/aisle, he observed an older model white sedan backed into a painted parking stall along the rear (north) property line. Stopping at an angle in the aisle more than a car length from the front bumper, the officer used his unit's spotlight to illuminate the sedan and the adult male standing next to it. The subject wore a t-shirt, shorts, and military style laced boots. At 2221:18 hours, Officer Medina broadcast "out with one." The subject complied when directed to step forward into the open space between the two vehicles ('Need to talk to you for a sec'). The officer performed a standing cursory search of the waistband and shorts' pockets for possible offensive weapons, but none were detected.

Having made the longer approach around the east end of the motel complex, Officer McCombs arrived and stopped in the rear aisle more than a car length east of the front bumper of the backed-in sedan; he too directed his unit's spotlight toward the subject's vehicle. Once he observed Officer Medina initiated a cursory search of the subject, Officer McCombs approached the sedan on foot to visually clear the interior. At 2221:48 hours, he requested a DMV check on the Mercury, which soon returned with no wants/warrants and an expired registration to a Breanna Kollin at an address in Newhall (LA County).



[View N/E from behind Unit 21-A]



[View W from beside Unit 22-A]



[View S/from behind S's vehicle]

Directing subject Kollin to stand at the front of his marked unit, Officer Medina explained the nature of the radio call. The subject replied he was coming from some family member's home and had

stopped at the motel to spend the night; he denied having a driver's license with him but verbally (and falsely) identified himself as Richard Knight, with a DOB of 02-11-61. With that information, the officer radioed the dispatcher for a record check.

Having visually checked the passenger compartment of the sedan, Officer McCombs joined the others at the front of his partner's unit. He conversed with the subject, who claimed to be on leave from the military where he claimed that he trained recruits in entry tactics and the use of weapons. Aware that service members typically know their Social Security Number, the officer asked for it, but the subject said he could not remember.

When the dispatcher advised there were "no wants locally, clear NCIC, no CDL on file", Officer Medina presumed the subject was lying about his name. When informed of that suspicion, the detainee insisted his name was Richard Knight—adding that identification in the car would provide verification.

Officer McCombs asked for and received the subject's verbal permission to search the car for that identification. On opening the car door, he smelled burning marijuana and found a black bag containing a small amount of what appeared to be plant material. When asked about it, the subject pleaded for the officer not to notify his commanding officer since he would likely be demoted—the officer returned the bag to the car.⁵

Officer Medina contacted the dispatcher via cell phone, and she confirmed there was no record for a Richard Knight. However, she went on to state that name showed as an alias associated with a Richard Kollin, DOB of 02-11-64. His CDL was expired and it appeared he was prohibited from having firearms. Upon concluding the call, Officer Medina informed the fidgeting Kollin that he was believed to have lied about his name and was therefore going to be taken to the police station for fingerprinting.

- In our review of the recorded telephone conversation with the dispatcher, it did not appear that either the officer or the dispatcher recognized that Kollin was also the last name of the female registered owner of the Mercury sedan, whose license plate the partner officer had requested DMV on minutes earlier.

Officer McCombs meanwhile was unable to find any identification in the sedan. When told that, the subject insisted the ID was in the glovebox; consequently, the officer redirected his attention back to the car. While so engaged, Officer McCombs heard his partner tell the subject, "If you don't knock that off, you're going in handcuffs."

- Richard Kollin: Male White 5'09, 220 pounds, 53 years of age⁶
- Officer Medina: Male White 5'02, 125 pounds, 26 years of age, 20 months with TPD
- Officer McCombs: Male White 6'02, 230 pounds, 28 years of age, 18 months with TPD

⁵ The black bag of plant material (Marijuana) did not appear among the items of evidence collected/booked. In November 2016, California voters had passed Proposition 64 (The Adult Use of Marijuana Act), which legalized recreational marijuana use and possession. Under the law that took effect in January 2018, adults under 21 may have less than 28.5 ounces of cannabis in their private possession.

⁶ The TPD Felony Report (Casebook: Tab 25) listed Kollin as 5'09, 220 pounds; on the audio file of the cell phone conversation between Officer Medina and the Communications Center (Casebook: Tab 2), the dispatcher indicated the CDL descriptors for Richard Kollin were 5'05, 150 pounds

Foot Pursuit

After receiving a submissive acknowledgement from the detainee ('OK. No problem'), Officer Medina was about to put his spiral notebook back into his shirt pocket when Kollin suddenly fled south toward Voyager Drive. The officer followed in foot pursuit and repeatedly commanded the suspect to stop. Kollin failed to comply and, as the foot pursuit continued, Officer Medina could hear his partner running somewhere behind him and communicating over his radio.

An estimated two to three seconds after hearing his partner warn the subject of the potential consequence of further lying, Officer McCombs heard equipment jangling and looked up to see his partner running after the suspect. He immediately joined the foot pursuit and, from 20-30 feet behind, heard his partner repeatedly command the suspect to stop. At 2237:50 hours (or just over 16 minutes after his partner had advised being out with a suspect), the trailing Officer McCombs broadcast they were in foot pursuit, southbound.

Use of Non-Lethal Force (Officer Medina)

After crossing Voyager Drive and entering an overgrown open field, Officer Medina had closed to within three to five feet when the fleeing suspect suddenly exclaimed, "I'm going to kill you! I have a gun!" By that time, the officer had eliminated the intervening distance and reached out to grab Kollin by the shoulders. Using a leg sweep, Officer Medina caused the suspect to fall to the ground; the shorter officer stumbled while performing the take down and fell to the ground nearby.

- *Officer's Medina's spiral notebook was later found in the field on the far side of Voyager Drive-consistent with its having been in his hand when the foot pursuit started.*

Kollin immediately recovered from the fall and got to his feet, only to turn with a "scrunched fist" toward the approaching Officer McCombs, who was then catching up to where the others went to the ground. Seeing the suspect's aggressive gesture, Officer Medina deployed his Taser (Electronic Control Weapon) in probe mode. The ECW had no visible effect, and Kollin resumed his flight deeper into the darkness (no moon) of the overgrown open field.

- *Although it is generally expected that an officer would give a warning before using the ECW, there had been no opportunity/time for the officer to announce the deployment to counter the imminent threat.*

Officer McCombs was aware of the ineffective Taser deployment.

Resumption of Foot Pursuit

Officer Medina dropped the ECW to the ground and continued his pursuit of the suspect—now illuminated by the beam of the Tac-Light on Officer McCombs' service pistol. Running roughly abreast (offset to the rear) of his partner, Officer Medina drew his .40 caliber service pistol and used its mounted Tac-Light to further illuminate the suspect. Some distance later, Officer Medina observed Kollin thrust both hands down to his front waistband; he appeared to use the left hand to hold up his shorts and dug the other/right hand into the pocket of his shorts.

Running roughly abreast of his partner, Officer McCombs yelled for the fugitive to comply ("Stop!"). Instead, the suspect exclaimed, "I have a gun! I have a gun!" In reaction to that declaration, Officer McCombs drew his .40 caliber service pistol and used its mounted Tac-Light to illuminate the back of the suspect as he ran deeper into the field and darkness. Officer McCombs saw the suspect's hands drop to his front

waistband and then appear to use the left hand to hold up his shorts, while digging the other/right hand into a pocket. In the belief the suspect was attempting to retrieve a weapon, Officer McCombs warned "Stop or I'll shoot you!"

At 15 seconds after the foot pursuit began, Officer McCombs broadcasted, "He has a gun!" At 15 seconds after that, Officer McCombs broadcasted, "Reaching for his waistband!" At 12 seconds after that, Officer McCombs broadcasted, "998" (indicating that an officer-involved shooting had occurred).⁷

Use of Deadly Force

Upon drawing his right hand out of the pocket, Kollin abruptly swiveled his upper torso to the right/clockwise and fully extended the arm-fist closed-back in the direction of his pursuers. In fear for his own and his partner's life, Officer McCombs fired several rounds at the threat from an estimated distance of 10 to 12 feet. The suspect took one to two additional strides before collapsing to the ground.

Officer Medina saw the suspect swivel his upper torso to the right/clockwise and fully extend the arm-fist closed-back in the direction of his pursuers—a posture the officer recognized as consistent with presentation of a handgun. As the suspect locked out his right arm, Officer Medina heard gunfire and thought the suspect was shooting. Fearing the suspect had engaged his partner (closest to the suspect), and in immediate defense what he perceived to be a threat to life, Officer Medina fired two rounds from his service pistol at the threat. The suspect collapsed to the ground on his back and the officer ceased firing.

- *Officer Medina estimated the total distance covered by the foot pursuit at 120 yards; his partner estimated the distance at 150 yards.*

Aftermath of OIS

At 2238:29 hours, Officer McCombs broadcast "998, suspect down, we are southwest of the hotel. While maintaining their distance, the officers began ordering the suspect at gunpoint to show his hands. When Kollin failed to comply, Officer McCombs twice broadcast that the suspect was refusing to show his hands (at 2240:01 hours and again 56 seconds later).

Meanwhile, Sergeant Amelia Thompson, Serial No. 937, Unit 20-Sam, had monitored the initial foot pursuit broadcast and was responding to assist. As the supervisor crested the Mill Street overpass [above Highway 58], she heard Officer McCombs report "998" with a suspect down. Moments later, upon turning onto Voyager Drive from Capital Hills Parkway, she could see the officers' flashlights out in the open field—an estimated 150 feet west of the roadway. At 2239:24 hours [less than a minute after the 998 broadcast], the supervisor advised she was at scene and had a visual on the officers; she also directed the dispatcher to "roll medical."

After hearing the broadcast that the suspect would not show his hands, Sergeant Thompson ran out into the field to join the officers. She saw the suspect lying on his back, with his feet toward the officers and his head north toward Highway 58; the right hand was visible and empty, but the left hand was out of view. Kollin was not complying with repeated commands to show his hands (no verbal response) and the sergeant presumed the suspect's firearm must be nearby and was as yet unsecured. She illuminated the suspect with her own flashlight and advised the officers that she

⁷ Notebook section 29, CD of synchronized audio and video of the incident in real time.

could see his hand, but no firearm/weapon. After informing the officers of her intentions, Sergeant Thompson moved forward and searched the wounded suspect—no firearm was found.

- In order to locate and secure the firearm presumed to exist, Sergeant Thompson asked Kollin where it was. He denied having had a gun and asked why he had been shot.



[Arrow=location of ofcer's spiral notebook]



[View from near W/curb of Voyager Dr into the open field]

Medical Treatment

Meanwhile, Fire and EMS were directed to stage at a designated nearby gas station until the scene was declared safe. Once it was determined the suspect did not have a firearm in his possession, Officer McCombs broadcast that the scene was clear to enter—at 2243:25 hours.

- The officers and their supervisor opted not to handcuff the wounded suspect, to facilitate his treatment by EMS.

Kollin was transported by Hall Ambulance to Kern Medical Hospital in Bakersfield, where he underwent emergency surgery for two penetrating gunshot wounds—to the right shoulder and flank. In the absence of any overriding medical necessity, the corresponding projectiles were not removed.

- At the request of investigators, the director of the Trauma Unit later reviewed the corresponding medical records/images. In response to a posed hypothetical, the physician deemed the wound trajectories—right to left and lateral—were consistent with the posture attributed to the suspect by the shooting officers—i.e., upper torso swiveled to the right (clockwise) with the right arm raised/extended back to the rear.⁸
- The investigators also consulted with a pathologist—Kern County Coroner Dr. E. Carpenter—who independently reviewed images of the GSWs and deemed the wound trajectories to be from right to left, with no deviation front to back [lateral]. The GSW to the upper right arm/shoulder was upward, while the GSW to the right flank was downward. Again, the wounds were deemed consistent with the officers' statements regarding their relative positions with respect to the suspect when the shots were fired.⁹

Public Safety Statements (PSS) and Subsequent Officer Interviews

⁸ Interview Report-Dr. R Skinner (Casebook: Tab 18)

⁹ Case Report-Dr. E. Carpenter (Casebook: Tab 19)

Once the wounded suspect had been transported from the scene by EMS, Sergeant Thompson obtained a joint public safety statement (PSS) from the officers (standing together) to establish the direction of fire and number of rounds fired. The sergeant subsequently asked them to retrace the general route of the foot pursuit from the motel lot out into the open field to facilitate the search for possible evidence and any discarded firearm.¹⁰

- *Later that same night, the officers both declined to provide a voluntary statement and were not formally interviewed. Five months later, each officer independently provided a voluntary statement—with the interviews conducted at the Kern County DA's Office and in the presence of their respective legal counsels.*

Arrest

On May 29, 2017 (five days after the shooting), TPD was notified that the hospitalized Kollin was about to leave the facility against medical advice. Officers responded and arrested/booked Kollin on an open charge (False Information to PO), with outstanding felony and misdemeanor warrants included as supplemental charges.

Physical Evidence

Six .40 caliber cartridge casings were recovered from the open field—near where the foot pursuit terminated when Kollin collapsed wounded to the ground. Four of the casings were identified as having been fired by Officer McCombs, the other two by Officer Medina.

Video Evidence

Security video obtained from the Holiday Inn Express offered a single camera view of the rear parking lot and captured the initial contact between the officers and Kollin. That video was consistent with the officers' accounts of the sequence of events.

More specifically, the camera (no audio) mounted high on the motel's rear/north wall was directed northwest toward Voyager Drive. It captured Kollin parking his white Mercury sedan (backed into the painted stall) in the well-lighted lot. After getting out and opening the trunk, he moved between it and the driver's and passenger side doors. As Officer Medina's marked unit slowly approached northbound along the westside aisle [but before entering the camera frame], Kollin moved from the passenger side of his car and around the rear to the driver's side—the doors and trunk had been closed earlier. The officer directed a spot lamp to further illuminate the subject.

In an apparent reaction to a voiced command, Kollin walked out into the middle of the space separating the fronts of the two vehicles, then stopped, turned around, and placed his hands behind his head. At that point, the second marked unit (Officer McCombs) arrived from the east, whereupon Officer Medina moved forward to conduct a standing felony search. Officer McCombs approached on foot to cover, then walked over to the subject's sedan [and, via radio, requested wants/warrants and DMV on the license plate], while his partner directed Kollin to stand at the front bumper of his unit [21-Adam].

Officer McCombs rejoined his partner at the front of the unit and they appeared to be standing on opposite sides of Kollin, who at times may have been sitting on the bumper. After a significant passage of time, Officer McCombs walked to the passenger side of the sedan. Once that occurred, the standing Kollin noticeably began shifting back and forth a few feet ["fidgety"] and then occupied the position near the right front quarter panel vacated by Officer McCombs. By the motel video counter, just over two minutes had

¹⁰ The subsequent PSS clarification regarding the general route of the foot pursuit was recorded

elapsed since Officer McCombs went back over to the sedan—presumably to look for the ID that Kollin insisted was in the glove compartment. At that point, the detainee suddenly ran south along the passenger side of the unit. Once past the rear of the SUV, he angled west, crossed Voyager Drive, and ran out into the open field. Officer Medina (standing near the left front quarter panel) followed the fleeing suspect around the passenger side of the unit. From his position next to the sedan, Officer McCombs ran past the driver's side of his partner's unit to join the foot pursuit.



[Prior to arrival of 1st unit]

[Kollin illum next to sedan]

[Kollin in aisle prior to search]

- *The perimeter lighting created a pronounced glare over the relevant area of the video, making it difficult for us to assess the thoroughness of the cursory search.*

Statements of Richard Kollin

The day after the OIS, investigators attempted to interview Kollin in the hospital-ICU; however, he was not coherent, and questioning was deferred.¹¹

Four days later, Kollin was interviewed at the Kern County Jail following a Miranda admonition and waiver. Despite claiming to be a millionaire with a successful business, he was then living from motel to motel when contacted by either two or three officers. One of them became “aggressive” and, in reaction to their attempting to reach into his pocket, Kollin ran off—yelling “Stop! I don’t have a gun! I don’t have anything!” After being shot, he drifted in/out of consciousness, but remembered hearing the officers yelling for him to show his hands.¹²

Kollin acknowledged that at the time of the encounter/OIS he was aware of an outstanding felony warrant for his arrest out of LA County. He also admitted having told his most recent girlfriend (Nora Quintero) that jail was the worst place to be and the experience had made him want to die. But he said he meant it only figuratively. If he really wanted to die, he would just do something to make the cops shoot him; and the only way he knew to do that was to attack them and force a reaction. That said, Kollin went on to deny having ever attacked the police.

Almost a year later at Chino State Prison, Kollin was reinterviewed by a Kern County Deputy District Attorney and a DA investigator regarding the actions of the officers involved in his shooting. Kollin claimed to have been on his way to Bakersfield when he stopped at the Holiday Inn Express in Tehachapi. He reportedly had stayed there many times before and wanted to see if he had enough points [rewards] for a free stay. *The officers confronted him right after he got out of the car.* Without any specificity, he described the officers as aggressive; based on what one of them said, coupled with the officer’s demeanor/facial expression, Kollin sensed he was about to be shot. Frightened at the prospect, he ran off and was shot almost immediately. He denied having swiveled back toward the officers during the foot pursuit and simulating a gun.¹³

¹¹ Interview Report-Richard Kollin, dated 05-26-17 (Casebook: Tab 10)

¹² Interview Report-Richard Kollin, dated 05-30-17 (Casebook: Tab 11)

¹³ Interview Report-Richard Kollin, dated 04-04-18 (Casebook: Tab 30)

- *Kollin did not recall having been searched/patted down. When asked what name he gave to the officers, Kollin denied having identified himself since there was an outstanding warrant for his arrest.*

CONCLUSIONS

Based on the multiple source information documented by the investigation, we offer the following opinions:

Opinion No. 1

The officers' demeanor and tactics were appropriate for the circumstances they were summoned to investigate and did not needlessly exacerbate the developing situation.

The two units were dispatched to investigate a citizen's report of a 'suspicious person' at the Holiday Inn Express. Additionally, the primary officer (Medina) was aware of recent vehicle burglaries at local motels, and he considered the possibility that the complained of subject was committing a similar felony offense. Acting on reasonable suspicion, the officer detained the subject and conducted a cursory search for offensive weapons.

The cooperative subject first claimed not to have his CDL but verbally offered a name and DOB; however, a records check returned showing no CDL issued to that name/DOB. When so informed, the subject insisted that was his real name and claimed there was ID/verification in his car. After Officer McCombs advised he was unable to find any ID, the subject insisted it was in the glove compartment. Meanwhile, Officer Medina telephoned the dispatcher and during the conversation learned that the name provided (Richard Wright) was an alias associated with Pear Blossom resident Richard Kollin, whose DOB had the same month and day, but was three years younger. Now convinced the detainee was lying about his name [in violation of 148.9 PC], the officer informed him of that suspicion and explained he was going to be transported to the station and fingerprinted for identification. The fidgety subject accepted the proposed action without complaint, only to then run off-across Voyager Drive and into the darkness of the open field beyond.

- *The length of detention was not unnecessarily protracted. Indeed, the officers continuing/uninterrupted effort to confirm the identity was in response to the subject's deliberate lack of candor.*

Opinion No. 2

Officer Medina's use of firm grasp, coupled with a leg sweep, to force the fleeing suspect to the ground conformed with contemporary police practice and training.

The officers pursued the fleeing misdemeanant on foot and out into the open field, while repeatedly commanding him to stop. As the nearest pursuer (Medina) closed to almost within reach, the suspect became verbally threatening—"I'm going to kill you! I have a gun!" Officer Medina by that point had closed the intervening distance and grabbed the suspect from behind by the shoulders. Combining that grasp with a leg sweep, the officer caused the fleeing suspect to lose his balance and fall to the ground. The officer himself stumbled as a result and fell to the ground nearby.

Police officers may use force to effect an arrest, prevent escape or to overcome resistance, or to protect themselves or others. The force used must be objectively reasonable under the totality of the circumstances known to the officer at the time force was used. Force is used to control a subject. All California Peace officers are taught according to standards required by the Peace Officer Standards and Training Commission (POST),

a standing commission appointed by the State Governor. Peace officers are taught that when they encounter Active Resistance or Assultive behavior, they may use various levels of force to secure compliance and ultimately gain control over the situation. "Actively resisting" means bracing, tensing, pulling away from an officer's attempt to control, which includes running away as in this case.

Opinion No. 3

Officer Medina's use of the Taser (ECW) against a suspect who had assumed a combative posture conformed with contemporary police practice and training.

The suspect quickly recovered from the fall, got back up on his feet, and turned with a "scrunched fist" toward the approaching trail officer (McCombs). Seeing that offensive gesture, Officer Medina deployed his Taser in dart mode. The ECW had no visible effect on the suspect, who turned and resumed his flight deeper into the open field. The officers continued the foot pursuit to effect an arrest.

Police officers may use force to effect an arrest, prevent escape or to overcome resistance, or to protect themselves or others. The force used must be objectively reasonable under the totality of the circumstances known to the officer at the time force was used. Force is used to control a subject. All California Peace officers are taught according to standards required by the Peace Officer Standards and Training Commission (POST), a standing commission appointed by the State Governor. Peace officers are taught that when they encounter Active Resistance or Assultive behavior, they may use various levels of force to secure compliance and ultimately gain control over the situation. Assultive behavior means actions that threaten to harm the officer. POST training provides that officers may use Intermediate force options to counter assultive behavior. The TASER (ECW) is an intermediate force option.

Opinion No. 4

Officer McCombs' use of deadly force conformed with contemporary police practice and training.

When the foot pursuit resumed after the ECW deployment, Officer McCombs moved from the trail position and into the lead (abreast/slightly ahead of his partner) and shouted for the suspect to stop. Instead of demonstrating compliance, the fleeing Kollin replied with a warning/threat—"I have a gun! I have a gun!" While in motion, the officer drew his service pistol and used its Tac-Light to illuminate the back of the fleeing suspect.

- *Officer McCombs breathlessly broadcast "he has a gun."*

As the desperate suspect continued running away in an attempt to escape, he unnaturally dropped both hands to his waist and appeared to use his left hand to anchor his shorts, while the other hand dug into the pocket for something. Believing the fugitive had chosen to fight and was attempting to draw a weapon, the officer warned him of the potential consequences—"Stop or I'll shoot you!"

- *Officer McCombs breathlessly broadcast "reaching for his waistband."*

Ignoring the officer's warning, the suspect drew the hand out of the pocket, swiveled his upper torso to the right/clockwise, and fully extended the arm (closed fist) back in the direction of his pursuers. In immediate defense of his and the partner's lives, Officer McCombs began firing several rounds in rapid succession at the threat from an estimated distance of 10 to 12 feet. After taking one or two additional strides, the suspect collapsed to the ground and the officer ended the sequence of fire.

- Per the Incident Log, approximately 20 seconds elapsed between the warning/information broadcasts ("he has a gun...reaching for his waistband") and the shots fired notification. The foot pursuit had traversed an estimated total distance of 120 to 150 yards.
- During his interview, Officer McCombs was asked about the cursory search performed by Officer Medina prior to the foot pursuit. Officer McCombs stated that he did not know to what extent Officer Medina searched the suspect and did not know if Officer Medina searched inside the suspect's pockets or if Officer Medina completed the search.¹⁴

"Ultimately, the most important Graham factor is whether the suspect posed an immediate threat to the safety of the officers or others." [emphasis added]

Matto v. Agarano, F. 3rd 433 – Court of Appeals, 9th Circuit 2011

"It makes sense that, if officers are justified in firing at a suspect in order to end a severe threat to public safety, they need not stop shooting until the threat has ended."

Plumhoff v. Rickard, 134 US 2012 (2014)

California POST instruction regarding the use of deadly force (Learning Domain 20, Chapter 3) states:

An officer may use deadly force to protect oneself or others when the officer has the objective and reasonable belief that his/her life, or the life of another, is in imminent danger of death or serious physical injury based upon the totality of the facts known to the officer at the time. Imminent danger means a significant threat that peace officers reasonably believe will result in death or serious bodily injury to themselves or to other persons. Imminent danger is not limited to "immediate" or "instantaneous." A person may pose an imminent danger even if they are not at the very moment pointing a weapon at another person.

According to the law, fear alone does not justify the use of deadly force. There must be a *sufficiency of fear* for the use of deadly force to be justified (Penal Code Section 198), with three elements needed to establish it.

- The circumstances must be sufficient to excite the fears of a *reasonable person* in like circumstances.
- The person must not act *under the influence of fear alone*. There has to be some circumstance or overt act apart from the officer's fear.
- The decision to use deadly force must be made to save one's self or another from great bodily injury or death.

We conclude that Officer McCombs reasonably articulated his fear and that the totality of circumstances made it reasonable for Officer McCombs to perceive the imminent danger that justified the use of deadly force.

Opinion No. 5

Officer Medina's use of deadly force conformed with contemporary police practice and training.

Having discarded his ECW following its ineffective deployment, Officer Medina resumed the foot pursuit and drew his service pistol—using its Tac-Light to further illuminate the back of the fleeing suspect. Moments later, the fugitive unnaturally thrust both hands to his waist and appeared to use his left hand to anchor his shorts, while the other hand dug into the pocket for something.

¹⁴ Transcribed interview of Officer McCombs, 8-10-17 (Casebook Tab 4, p. 21, line 4 to p. 22, line 7).

The suspect then drew his hand from the pocket, swiveled his upper torso to the right/clockwise, and fully extended the arm (fist closed) back in the direction of his pursuers—a posture the officer recognized as consistent with presentation of a handgun. As the suspect locked out his right arm, Officer Medina heard gunfire and thought the suspect was shooting. Fearing the suspect had engaged his partner (closest to the suspect), and in immediate defense of life, Officer Medina fired two rounds from his service pistol at the threat. The suspect collapsed to the ground on his back and the officer ceased firing.

- *During his interview, Officer Medina was asked about the cursory search he performed on Kollin prior to the foot pursuit. We are not able to opine on the quality of the cursory search, as it was largely obscured by the overly bright lighting seen on the security video. We note that Officer Medina stated that the cursory search was of the outer clothing. "Did you ever put your hands into his pockets at any point?" "No."¹⁵ The fact that no weapon was found during the cursory search does not negate both officers' fears that the suspect was armed, given that both officers stated that the suspect both verbalized and acted as if he was armed during the foot pursuit.*

"Ultimately, the most important Graham factor is whether the suspect posed an immediate threat to the safety of the officers or others." [emphasis added]

Mattos v. Agarano, F. 3rd 433 – Court of Appeals, 9th Circuit 2011

"It makes sense that, if officers are justified in firing at a suspect in order to end a severe threat to public safety, they need not stop shooting until the threat has ended."

Plumhoff v. Rickard, 134 US 2012 (2014)

California POST instruction regarding the use of deadly force (Learning Domain 20, Chapter 3) states:

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According to the law, fear alone does not justify the use of deadly force. There must be a *sufficiency of fear* for the use of deadly force to be justified (*Penal Code Section 198*), with three elements needed to establish it.

- The circumstances must be sufficient to excite the fears of a *reasonable person* in like circumstances.
- The person must not act *under the influence of fear alone*. There has to be some circumstance or overt act apart from the officer's fear.
- The decision to use deadly force must be made to *save one's self or another* from great bodily injury or death.

We conclude that Officer Medina reasonably articulated his fear and that the totality of circumstances made it reasonable for Officer Medina to perceive the imminent danger that justified the use of deadly force.

Opinion No. 7

The officers did not unnecessarily delay medical treatment of the wounded suspect.

¹⁵ Transcribed interview of Officer Medina, dated 8-10-17 (Casebook Tab 5, p. 21, lines 21-22)

Lying on his back, the presumably wounded suspect either ignored or was unable to comply with repeated orders to show both his hands. Consequently, the officers maintained their distance, pending the arrival of an additional unit(s).

- *Officer McCombs twice broadcast that the suspect was refusing to show his hands.*

The first additional unit to reach the officers was Sergeant Thompson, who had already directed the dispatcher to notify EMS. Fire and EMS were subsequently advised to stage at a nearby gas station; at 2243:25 hours, when Officer McCombs reported the scene was safe to enter—less than four minutes had elapsed since the '998' broadcast.

Opinion No. 8

Richard Kollin's reckless behavior and personal choices precipitated a cascade of events that culminated with his being shot and wounded by police.

A twice convicted felon, Kollin was aware of an outstanding felony warrant for his arrest out of LA County—with the corresponding potential for incarceration if convicted. He told his most recent girlfriend that the thought of going back to jail was too horrible to contemplate and considered 'suicide by cop' an acceptable alternative. The lying about his name (which constituted a crime under the circumstances) and equivocation over whether he had verifying identification further aroused the suspicions of the primary officer (Medina). Hence the 'reasonable suspicion' for detention developed into probable cause for arrest.

Rather than submit to lawful authority, Kollin attempted to escape and fled into the darkness of an open field. Ignoring commands to stop, he instead defiantly announced having a gun. Having provided verbal context, Kollin then modeled the behavior of an armed suspect—drawing a firearm, swiveling his upper torso, and extending one arm (fist closed) back in the direction of his pursuers. Considering Kollin was later determined to have been unarmed/weaponless, his foolish, indeed reckless, behavior appears to us to have demonstrated the intent to commit 'Suicide by Cop.' He clearly succeeded in creating the perception in the pursuers that he was armed and posed a deadly threat. The officers' defensive response to the provocation was appropriate and proportional.

Kollin's statements to the investigators regarding the specifics of his interaction with the TPD officers were either deceptively vague, contradictory, or refuted by other evidence. More specifically:

- His denial of having been subjected to a cursory search was contradicted by video evidence. Although the initial search conducted by Officer Medina was negative (i.e., it did not detect any offensive weapons), Kollin's subsequent exclamations during the foot pursuit ("I'm going to kill you! I have a gun!") likely prompted the officers to doubt the efficacy of the search and question whether something had been missed.
- Kollin claimed the reason he ran from the motel parking lot was because he 'sensed' from the officer's demeanor and facial expression that he was about to be shot. When the officers pursued him, Kollin reportedly yelled "Stop! I don't have a gun! I don't have anything!" Implicit in that admission was that while under stress (flight) he made a reference to a gun that was directed at his pursuers.

- Kollin admitted having told his girlfriend there was no worse place than jail and the experience had made him want to die. But he meant it only figuratively. If he really wanted to die, he would just do something to make the cops shoot him; and the only way he knew to do that was to attack them and force a reaction. Having said that, Kollin went on to deny having ever attacked the TPD officers.